

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 19

In the Matter of:

Glacier Northwest d/b/a
CalPortland,

Case No. 19-CA-203068
19-CA-211776

Respondent,

and

Teamsters Union Local 174,

Union.

Place: Seattle, Washington

Dates: March 1, 2023

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7227 North 16th Street, Suite 207
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(602) 263-0885



UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
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GLACIER NORTHWEST D/B/A
CALPORTLAND,

Respondent,

and

TEAMSTERS UNION LOCAL 174,

Union.

Case No. 19-CA-203068
19-CA-211776

The above-entitled matter came on for hearing, pursuant to notice, before **JEFFREY D. WEDEKIND**, Administrative Law Judge, at the National Labor Relations Board, Region 19, Jackson Federal Building, South Auditorium, 4th Floor, 915 Second Avenue, Seattle, Washington 98174, on **Wednesday, March 1, 2023, 9:04 a.m.**



1 A P P E A R A N C E S

2 **On behalf of the General Counsel:**

3 **DANIEL MCCASKEY, ESQ.**
4 **RACHEL CHEREM, ESQ.**
5 NATIONAL LABOR RELATIONS BOARD
6 915 Second Avenue
Suite 2948
Seattle, WA 98174
Tel. (206)220-6298

7 **On behalf of the Charging Party/Union:**

8 **BENJAMIN BERGER, ESQ.**
9 BARNARD IGLITZIN & LAVITT, LLP
10 18 W. Mercer Street
Suite 400
Seattle, WA 98119
Tel. (206)257-6006

11 **On behalf of the Respondent:**

12 **JOHN PAYNE, ESQ.**
13 DAVIS GRIMM PAYNE & MARRA
14 701 5th Avenue
Suite 3500
Seattle, WA 98174
15 Tel. (206)447-0182
Fax. (206)622-9927

16 **BRIAN LUNDGREN, ESQ.**
17 JACKSON LEWIS, P.C.
18 520 Pike Street
Suite 2300
Seattle, WA 98101
19 Tel. (206)405-0404
Fax. (206)405-4450

20 **CHRIS MOON, ESQ.**
21 JACKSON LEWIS, P.C.
22 215 South State Street
Suite 760
Salt Lake City, UT 84111
23 Tel. (801)736-3199

24

25



I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Brent Nordyke	1243	1288 1363			1258 1259 1264
Adam Doyle	1393	1423 1440			

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E X H I B I T S

EXHIBIT

IDENTIFIED

IN EVIDENCE

Respondent:

R-3

1397

R-9

1434

1261

R-10

1261

1265



1 JUDGE WEDEKIND: All right. I believe this is day 7 on
2 the Exxon (sic) hearing. Anything you want to discuss before
3 we proceed with witnesses?

4 MS. CHEREM: Yes. I just had a prelim -- a follow-up
5 conversation I wanted to have on the record about a subpoena
6 issue before we proceed with witnesses.

7 JUDGE WEDEKIND: Okay.

8 MS. CHEREM: With regard to the privilege log provided by
9 Respondent, there were four entries on the privilege log that
10 Respondent and I have been having off-the-record conversations
11 about. Despite our ongoing conversations, I believe that I
12 currently have insufficient information to assess whether those
13 documents that are withheld meet the primary purpose test for
14 withholding privilege based on in-house Counsel.

15 So the next step is that I would like to request an ALJ
16 in-camera review, and if Your Honor confirms that even its
17 arguably privileged, we would not pursue it further. I will
18 note that based on my understanding from off-the-record
19 conversations, I do not believe that Respondent is open to
20 that, but I wanted to confirm on the record -- their position
21 on in-camera review.

22 JUDGE WEDEKIND: Well, I'll need to look at the log first
23 and decide whether there's sufficient basis to even do an in-
24 camera inspection.

25 MS. CHEREM: Okay.

1 JUDGE WEDEKIND: And to hear -- and to hear your reasons
2 why it's insufficient.

3 MS. CHEREM: I only have a log with my handwritten notes
4 on it. Does anybody have a clean copy?

5 MR. BINAM: That's not correct. We still have your
6 information on who was involved in the communication and --

7 MR. LUNDGREN: We have produced --

8 MR. BINAM: -- subject matter of communication.

9 MR. LUNDGREN: We produced a document that shows, and we
10 can let you look at that document.

11 JUDGE WEDEKIND: Yeah, sure.

12 MR. LUNDGREN: It shows Rob Binam, you know, labor law.
13 So it shows that it's the advice of the General Counsel on
14 legal issues, which should satisfy this in our mind.

15 JUDGE WEDEKIND: All right. Well, I can't -- I can't
16 decide whether to do an in-camera inspection. They're not
17 automatic, until I see what you provided. I mean, it sounds
18 like General Counsel is saying you would object to me
19 conducting an in-camera inspection, but we don't have to get
20 there unless I decide it's warranted.

21 MR. LUNDGREN: Right. We would -- we don't have to get
22 there yet.

23 JUDGE WEDEKIND: Okay.

24 MR. LUNDGREN: But -- but I am willing to show you what
25 we've shown General Counsel.

1 JUDGE WEDEKIND: Right. That's -- if that's what I need
2 to decide whether or not to even --

3 MS. CHEREM: And -- and if Your Honor decides that that's
4 sufficient, then I will not pursue that.

5 JUDGE WEDEKIND: Right. Right. That's the plan. Yeah.
6 So --

7 MR. LUNDGREN: Well, I do not have a paper copy of the
8 privilege law.

9 JUDGE WEDEKIND: You can email it to me.

10 MS. CHEREM: Okay. I do, but it's just got my scribbles
11 all over it, so -- it's not anything secret, it's like people's
12 job titles, but I just figured he wants a clean copy.

13 JUDGE WEDEKIND: So it sounds like what you're saying
14 though, Mr. Binam, is that you provided some supplemental
15 information as well.

16 MR. BINAM: We did. Yeah.

17 JUDGE WEDEKIND: Okay. So we can go over that.

18 MS. CHEREM: That is the supplemental information that
19 they provided.

20 MR. LUNDGREN: We also provided you the identities of
21 everybody --

22 MS. CHEREM: Yes.

23 MR. LUNDGREN: -- on the email. They're all internal
24 management.

25 MS. CHEREM: Correct. So I -- I am aware of the fact that

1 everybody is internal, and that Rob Binam is in-house Counsel.
2 And I was provided with the job titles of everybody listed on
3 the privilege log. Beyond that job title information, I've
4 rece-- I was able to view the redacted documents that I believe
5 Respondent is about to provide to the judge for assessment. Am
6 I understanding correctly?

7 JUDGE WEDEKIND: Did you send it to me yet or trying to?

8 MS. CHEREM: Well, yeah. If Your Honor deems that
9 sufficient then I will not pursue it further.

10 JUDGE WEDEKIND: Okay. Why don't we just go off the
11 record then for a minute.

12 (Off the record at 9:08 a.m.)

13 MS. CHEREM: I don't dispute what the information you all
14 gave me.

15 JUDGE WEDEKIND: Okay. So I'm just waiting for the email,
16 but Mr. Binam, did you want to tell us what the supplemental
17 information is?

18 MR. BINAM: Sure. So Your Honor, we're going to provide
19 the redacted copy of privileged emails that we showed opposing
20 counsel. And I wanted to put on the record that in addition to
21 what Your Honor is going to be seeing here, that we also, in
22 attempt to resolve the matter with opposing Counsel, that we
23 confirmed that all the participants in this privileged
24 communication that's redacted were all internal participants
25 working for the company.

1 We've also identified each of the participants in the
2 privileged communication, and we've also identified the job
3 titles for each participant in the privileged communications.
4 And I resolved -- like I said, done without waiving attorney-
5 client privilege or work product in an attempt to resolve the
6 matter.

7 JUDGE WEDEKIND: Okay.

8 MR. BINAM: And we're -- it -- I'm very concerned about
9 even doing that because as you know, Your Honor, we have a U.S.
10 Supreme Court case decision pending and we're not sure where
11 that's going to go or what follow-up activity that will have.
12 So --

13 JUDGE WEDEKIND: Um-hum.

14 MR. BINAM: -- we want to be very certain -- to speak very
15 clearly that we're not waiving privilege.

16 JUDGE WEDEKIND: Thank you. So can you -- I did get the
17 email. Thank you. Can you just identify which four of the
18 items that we're talking about here?

19 MS. CHEREM: Yes. The first four documents listed in this
20 email. They're all dated August 12th.

21 JUDGE WEDEKIND: Okay.

22 MS. CHEREM: And my understanding, please correct if I'm
23 wrong, yes. Every -- I was -- they confirmed everybody is
24 internal and that the only -- that Rob Binam, the general
25 counsel, is the -- the only lawyer on that team, correct?

1 MR. BINAM: Correct.

2 JUDGE WEDEKIND: Okay. And did you say you -- you did
3 provide redacted versions of the emails already?

4 MR. LUNDGREN: We did, Your Honor. And we also provided
5 redacted versions that show Rob Binam, the subject matter, the
6 date, and that it involved legal advice. And again, we did so
7 without waiving any privilege. And we're being very careful
8 about this because we likely will have a State Court lawsuit --

9 JUDGE WEDEKIND: Right.

10 MR. LUNDGREN: -- we're going to be --

11 JUDGE WEDEKIND: Right.

12 MR. LUNDGREN: -- trying once this plea-bargaining
13 decision gets issued. So we're -- we're being very careful to
14 make clear for the record that we are not waiving any privilege
15 in this proceeding. So we're trying to work it out in a way
16 that's satisfactory decision.

17 JUDGE WEDEKIND: I got that. But so -- I saw what you
18 hold up -- were holding up --

19 MR. LUNDGREN: Yeah.

20 JUDGE WEDEKIND: -- and they look like they are mostly
21 redacted.

22 MR. LUNDGREN: They are.

23 JUDGE WEDEKIND: Is there any substance that's not
24 redacted?

25 MR. LUNDGREN: There is.



1 JUDGE WEDEKIND: Oh, okay.

2 MR. LUNDGREN: And I -- I will show them to you, Your
3 Honor.

4 JUDGE WEDEKIND: Sure, yeah. That would help, yeah.
5 Thanks. Okay, thanks.

6 MS. CHEREM: We're still on the record. Do we want to
7 stay on the record?

8 JUDGE WEDEKIND: Yes. We're still on the record. Any
9 comment on that?

10 MS. CHEREM: No. My understanding is that you're looking
11 at what I looked at.

12 JUDGE WEDEKIND: All right. Let's -- let's go off the
13 record then, while I just take a look at this.

14 (Off the record at 9:13 a.m.)

15 JUDGE WEDEKIND: Okay. So can you pick up Mr. Binam from
16 where he's sitting?

17 THE COURT REPORTER: Yes.

18 JUDGE WEDEKIND: You're okay. Okay. So can we just get
19 some more clarification about your role for the company. I
20 know -- I think that when you said you were -- announced your
21 participation as Counsel in this proceeding. I think you said
22 you're vice president and general counsel of CalPortland. Is
23 that correct?

24 MR. BINAM: My title is senior vice president and general
25 counsel and corporate secretary.

1 JUDGE WEDEKIND: Okay. And can you tell us -- divide that
2 up? You're responsibilities as senior vice president. Let's
3 start with that.

4 MR. BINAM: All of my responsibilities for our legal is, I
5 am the chief legal officer of the company. I handle all the
6 internal legal affairs of the corporation and all its
7 subsidiaries.

8 JUDGE WEDEKIND: Well, my -- oh. Go ahead, I'm sorry.

9 MR. BINAM: That's all right. I'm in charge of managing
10 any type of outside litigation. I have three other attorneys
11 that report to me and a paralegal. In terms of what my
12 functions are as a senior vice president. It's just an
13 executive type of title. Everything that I do is based on
14 handling internal legal affairs.

15 JUDGE WEDEKIND: Okay. But Mr. Hincke testified -- Hinck,
16 I'm sorry. Mr. Hinck testified yesterday that he reports to
17 you, right?

18 MR. BINAM: Correct.

19 JUDGE WEDEKIND: But why would a -- a individual like him
20 report to the general counsel?

21 MR. BINAM: There's a lot of companies, Your Honor, where
22 they have an environmental department that will report to the
23 operations. And sometimes that could cause a conflict of
24 interest, and so a long time ago the company decided to have
25 the environmental department report to the legal department for

1 compliance measures to avoid any type of a potential conflict.

2 JUDGE WEDEKIND: Okay. Anyone else report to you in that
3 nature or any line person or manager report to you?

4 MR. BINAM: I have a corporate properties -- property
5 manager that reports to me.

6 JUDGE WEDEKIND: And why is that?

7 MR. BINAM: We just don't have a separate executive
8 position overseeing property, and it's just property reports to
9 legal, and --

10 JUDGE WEDEKIND: What is the property -- what's their
11 responsibility?

12 MR. BINAM: Well, in terms of buying and -- and selling
13 properties would come to me.

14 JUDGE WEDEKIND: Not maintaining?

15 MR. BINAM: I would be --

16 JUDGE WEDEKIND: It's not about maintaining properties.
17 It's --

18 MR. BINAM: Right.

19 JUDGE WEDEKIND: -- it's about buying and selling?

20 MR. BINAM: Right. There's other properties that need to
21 be maintained. The property manager will do things like that.

22 JUDGE WEDEKIND: Okay. So they -- okay. Any other
23 questions that you might have about that, General Counsel?

24 MS. CHEREM: No.

25 JUDGE WEDEKIND: All right. Let's go off the record

1 again.

2 (Off the record at 9:19 a.m.)

3 JUDGE WEDEKIND: Okay. I'm sorry, two more questions.
4 Maybe I should know this. What is 174? That's the subject
5 of --

6 MR. LUNDGREN: I mean, its Teamsters.

7 MS. CHEREM: Presumably, Teamsters 174.

8 JUDGE WEDEKIND: I knew I should have known that. Okay.

9 MS. CHEREM: Also, Your Honor, would it be helpful to have
10 them identify the other -- the titles of the other people
11 listed in the sender, creator, requestor category?

12 JUDGE WEDEKIND: Yeah. That -- that might be helpful too.
13 Let me -- just one other question then. So what is the subject
14 Google alert CalPortland. Can you give me any more information
15 about that? What is that?

16 MR. LUNDGREN: What is the question. I didn't hear you.

17 JUDGE WEDEKIND: One of the subjects is Google alert -
18 CalPortland? What's -- what's that? Does your privilege log
19 say what the substance is other than that?

20 MS. CHEREM: I believe it does. The only two descriptions
21 on the privilege log -- two of the emails say, emails on events
22 of August 11, 2017, and then the other two withheld documents
23 are labeled emails on talking points.

24 JUDGE WEDEKIND: On talking points. So what -- what is
25 the subject of this Google alert CalPortland? What's that?

1 Can you give me more information?

2 MR. LUNDGREN: And -- and I don't want to speak
3 imprecisely about these topics, Your Honor. If we can have a
4 minute to confer with my client about your question?

5 JUDGE WEDEKIND: Sure. And I'm asking these questions
6 because I'm really kind of -- I'm leaning towards in-camera
7 inspection based on the cases that I've read, but let's -- al.
8 So before you even do that --

9 MS. CHEREM: Can we have them do the --

10 JUDGE WEDEKIND: Yeah.

11 MS. CHEREM: -- titles before we do that?

12 JUDGE WEDEKIND: Yes. That might help too. So can you
13 tell us who else was -- was on these emails besides Mr. Binam?

14 MS. CHEREM: Robert, would you mind identifying the people
15 and their titles.

16 JUDGE WEDEKIND: I thought you already did?

17 MS. CHEREM: I mean I can go off my notes, but it might be
18 better coming from you.

19 JUDGE WEDEKIND: I thought you did it -- this. You said
20 you already did that, right?

21 MR. BINAM: I -- we communicated that to --

22 MS. CHEREM: To me.

23 MR. BINAM: -- Counsel.

24 MS. CHEREM: But I feel like it might be helpful --

25 JUDGE WEDEKIND: Might be on the record?

1 MS. CHEREM: -- to have on the record.

2 JUDGE WEDEKIND: Okay. Can you do that?

3 MS. CHEREM: I -- I can go through based off what was
4 based to me, but if they want to do it, that's fine as well.

5 MR. BINAM: I don't have the --

6 JUDGE WEDEKIND: Okay, go ahead.

7 MS. CHEREM: Oh, okay. How about I go through, and you
8 guys correct me if I get it wrong?

9 MR. BINAM: Sure.

10 MS. CHEREM: Okay. Melanie O'Regan, we've had testified.
11 So we already know who she is. Allen Hamblen was the
12 President, CEO?

13 MR. BINAM: Correct.

14 MS. CHEREM: Larson -- William Larson is the vice
15 president of marketing.

16 MR. BINAM: Correct.

17 MS. CHEREM: Steven Regis is the senior vice president of
18 engineering?

19 MR. BINAM: Corporate services.

20 MS. CHEREM: Corporate services, okay. Oh. Is that the
21 one you corrected me on afterward. Thank you, sorry. I put
22 that on a separate piece of paper -- senior vice president of
23 corporate services?

24 MR. BINAM: Correct.

25 MS. CHEREM: Brian Sleeper is the director of labor

1 relations.

2 MR. BINAM: Correct.

3 MS. CHEREM: Tina McIntyre is the marketing director.

4 MR. BINAM: Correct.

5 MS. CHEREM: And Pete Stolz is the senior -- senior
6 manager of permitting and sustainability.

7 MR. BINAM: Correct.

8 MS. CHEREM: I believe that's everybody.

9 JUDGE WEDEKIND: And which of those were just on the 174
10 ones? Do you know?

11 MS. CHEREM: Based on a quick assessment of the privilege
12 log, I believe it was the same group for both sets of
13 emails.

14 JUDGE WEDEKIND: For all, okay.

15 MS. CHEREM: I would have to cross-check their privilege
16 log, but a quick glance leads me to believe it's the same.

17 JUDGE WEDEKIND: Sounds like these are all fairly high
18 level -- high level corporate individuals.

19 MR. BINAM: That's correct.

20 JUDGE WEDEKIND: None of them are just assigned to one
21 plant or another, right? They're all --

22 MR. BINAM: That's correct.

23 JUDGE WEDEKIND: Okay. You want to go off the record then
24 and talk about -- let's go off the record.

25 (Off the record at 9:25 a.m.)

1 JUDGE WEDEKIND: So can you just tell me anymore
2 information about that -- those sets of documents --

3 MR. LUNDGREN: I can --

4 JUDGE WEDEKIND: -- and the paperwork?

5 MR. LUNDGREN: -- I can Your Honor. The Google alert --
6 that was a public alert about media attention about the
7 strike --

8 JUDGE WEDEKIND: Okay.

9 MR. LUNDGREN: -- that involved Rob Binam providing
10 internal legal advice on legal issues that arose out of that
11 alert.

12 JUDGE WEDEKIND: Okay. And while you were out, looking
13 more closely at some of these documents, I realized that --
14 well, let's start with the -- the 174 documents. So they
15 include an email that's actually from Mr. Binam, right?

16 MR. LUNDGREN: I don't have them in front of me, but
17 that's my memory of them.

18 JUDGE WEDEKIND: Yeah. That's -- yeah, okay. And then
19 basically it looks like that -- that same email -- is --
20 that's -- it looks like they're -- one is a combination of
21 emails, and the second is your email. Is that right, Mr.
22 Binam?

23 MR. LUNDGREN: Right.

24 JUDGE WEDEKIND: Okay. So and also, as you say there are
25 some references in there for the labor laws. So my inclination

1 on that one is not to do an in- -- in-camera review. It seems
2 to me that based on --

3 MS. CHEREM: Thank you, Your Honor.

4 JUDGE WEDEKIND: -- it looks like a significant purpose of
5 them was -- well, on its face. As for the Google alert, you're
6 saying that -- were any -- any of these email from you, Mr.
7 Binam or were they to you? Were you listed? Because that --
8 now, you just said, Binam was providing legal advice with
9 respect to the Google alert. Are they to or from, Mr. Binam?

10 MR. LUNDGREN: We would have to review and answer that
11 question. Or talk about answering it.

12 MR. BINAM: I was the recipient.

13 JUDGE WEDEKIND: You're the recipient. Okay. You know,
14 but in any event, given the references in the very beginning of
15 these emails, Mr. Binam was on it. The description of what you
16 told me, again, it seems to me -- and Mr. Binam's role with the
17 company -- it seems to me that there's sufficient information
18 here to determine that they are -- at least, attorney-client
19 privilege is not -- so my inclination is not to do an -in-
20 camera review.

21 MS. CHEREM: Thank you, Your Honor.

22 JUDGE WEDEKIND: Okay. So let's go off the record for
23 just a minute to do a little clean up.

24 (Off the record at 9:38 a.m.)

25 JUDGE WEDEKIND: Okay.

1 MR. BERGER: I want to clarify one aspect of the Charging
2 Party's subpoena requests. Request number 2 was for recordings
3 of calls made to the dispatcher phone line based upon an off-
4 the-record conversation with Respondent's counsel yesterday,
5 which you can confirm or disconfirm.

6 My understanding is those recordings at one time did
7 exist, but they were not maintained and no longer exist. I
8 just want that to be clear on the record.

9 JUDGE WEDEKIND: Okay.

10 MR. BERGER: Counsel can confirm that if you want me to.

11 MR. LUNDGREN: Can we have a minute to talk about this
12 again, Your Honor?

13 JUDGE WEDEKIND: Sure.

14 MR. LUNDGREN: Thank you.

15 JUDGE WEDEKIND: Off the record.

16 (Off the record at 9:39 a.m.)

17 JUDGE WEDEKIND: All right. Do you have a response to
18 what the Union Counsel just talked about?

19 MR. LUNDGREN: I do, Your Honor. In response to the
20 Union's subpoena request, we did a diligent search of the IT
21 records and it revealed no recording -- telephone call
22 recordings from dispatch in 2017.

23 JUDGE WEDEKIND: Okay. Anything else you want to add
24 then, Mr. Berger?

25 MR. BERGER: Not at this time, Your Honor.

1 JUDGE WEDEKIND: Okay, all right. Thank you. All right.
2 Are we then ready to resume with the witness?

3 MR. PAYNE: We are, Your Honor.

4 JUDGE WEDEKIND: Come up. Thank you. Good morning, Mr.
5 Nordyke.

6 THE WITNESS: Good morning.

7 JUDGE WEDEKIND: You are still under oath.

8 THE WITNESS: Yes, sir.

9 Whereupon,

10 **BRENT NORDYKE**

11 having been previously sworn, was called as a witness herein
12 and was examined and testified as follows:

13 JUDGE WEDEKIND: Thank you very much, Counsel?

14 MR. PAYNE: May I approach, Your Honor?

15 JUDGE WEDEKIND: Yes. Yes. Let me just clarify something
16 on this. I notice you're asking for all your documents be
17 marked. Are they getting marked? Is that -- are you -- is the
18 court reporter?

19 THE COURT REPORTER: I'm having them marked, yes.

20 JUDGE WEDEKIND: You're having them marked, okay. But we
21 should all -- all right. Go ahead.

22 MR. PAYNE: And how is this one marked? As Number 9 --
23 Respondent 9. Okay.

24 MS. CHEREM: And when you say this one, are you referring
25 to the packet as a whole or a specific document?

1 MR. PAYNE: The packet.

2 MS. CHEREM: Okay.

3 JUDGE WEDEKIND: All right.

4 **RESUMED DIRECT EXAMINATION**

5 Q BY MR. PAYNE: Mr. Nordyke, I just handed you a packet of
6 documents that I will represent page 1 of which is the document
7 that was admitted yesterday into evidence and followed by a
8 number of backup documents. Without having you to do a 100 and
9 whatever number of pages this is one-by-one, can you generally
10 explain to me what this packet of documents is?

11 A Yes. So this -- so the first section is the payroll
12 records. The copies of the start sheet for that day for each
13 plant and the drivers time sheets. And then after the long
14 sheet there -- the second long sheet, there is delivery tickets
15 and those are copies of all the delivery tickets that were
16 printed out and that I had collected that day. And then the
17 long sheets at the back are copies of the ticket report that I
18 pulled from our dispatch software that show all the tickets
19 that dispatch generated that day.

20 Q And when you say that day, what are you referring --

21 A August 11th, 2017

22 Q Pardon me?

23 A August 11th, 2017.

24 Q Okay. And did you review these documents in making your
25 spreadsheet report that is on page 1?

1 A Yes.

2 Q Okay. So let me just ask you a couple of questions about
3 a few of these documents so we can clarify what they are. Can
4 you look at page 3 for a moment?

5 A Yes.

6 Q Can you tell us what that document is? It's labeled
7 Driver's Daily Report in the upper right-hand corner?

8 A So this is the driver's daily report for Eric Allen. This
9 is essentially his timesheet that he turns in each day. This
10 is specifically for August 11th.

11 Q Okay. And who fills this out?

12 A Eric would. The driver does.

13 Q And so who would put in, for example, on the right-hand
14 side, load size nine and a half?

15 A The driver.

16 Q What does load size nine and a half mean?

17 A It indicates he was -- he delivered a load with nine and a
18 half yards of concrete.

19 Q Okay. And is this document used for any purpose within
20 your company?

21 A Yes. So the drivers would turn these in at the end of
22 each day. I would review them and approve them. And then
23 payroll would process them, and that's how they determine how
24 many hours they get paid for.

25 Q Okay. And does the employee sign off on this driver's



1 daily report?

2 A Yes. They sign off on the bottom -- sort of the bottom
3 left.

4 Q Okay. And there's a number of these driver daily reports.
5 What day does do they relate to?

6 A These are all August 11th.

7 Q Did you review these reports in compiling your spreadsheet
8 on page 1?

9 A Yes.

10 Q Why did you review these reports?

11 A Well, I reviewed them, one, because I had to approve their
12 hours to get them paid. And I reviewed them as well just to
13 determine that the ticket numbers that I had on the report
14 match what they had and that the origin jobs were the same.
15 And for example, on page 3, Eric filled out leave plant, arrive
16 job, finish job, arrive at plant. There's times there. So if
17 a driver delivered a load, I would expect their times to be
18 filled out by the driver in that section. So I was looking at
19 that as well.

20 Q Okay. And where did you get these driver's daily reports
21 from when you were preparing your report?

22 A Various locations. So on a typical day, the drivers would
23 turn those in to a lockbox in their driver's room -- in the
24 break room. On the day of the strike, some drivers left them
25 in the truck. Some drivers put them in the lockbox. So most,

1 you know, a good portion of them were in the lockbox. I had to
2 sort of search the trucks to find the rest of them.

3 Q Okay. And did you find all the ones you were looking for?

4 A Yes.

5 Q Okay.

6 A I should say that Kenmore and Snoqualmie copies were
7 emailed to me by the superintendents at those locations.

8 Q Can you speak up, please.

9 A The Kenmore and Snoqualmie time sheets were emailed to me
10 by the superintendents at those locations.

11 Q Okay. So pages 3 through 50, is this an accurate list of
12 the driver's daily reports that you reviewed to prepare your
13 spreadsheet on page 1?

14 MS. CHEREM: I'm sorry. What page are we looking at right
15 now?

16 MR. PAYNE: Pardon me?

17 MS. CHEREM: You said on this -- on page -- and I just
18 didn't hear you. Can you repeat the page number you said?

19 MR. PAYNE: 3 through 50.

20 MS. CHEREM: 3 through 50, thank you.

21 A Yes.

22 Q BY MR. PAYNE: Let's now look at page 51. Can you tell us
23 what that document is on page 51?

24 A This is the start sheet for August 11th. Dispatch
25 would've printed this out and used this for their purposes in

1 assigning start times for the day.

2 Q Okay. So could you review this document when you were
3 preparing your spreadsheet on page 1?

4 A I did.

5 Q So tell us what the various colors represent on this
6 spreadsheet, if anything -- or on this page 51? Pardon me.

7 A Okay. So any of the drivers highlighted in blue, were
8 domiciled at Kenmore, and were working that day. Any of the
9 drivers highlighted in yellow were off on vacation that day.
10 So they were not at work. The drivers in sort of a gray -- the
11 line is gray. They were either on medical leave or light duty,
12 but they weren't -- they weren't being called into work for
13 other reasons.

14 Q Okay. And who prepares this document? Is it prepared the
15 morning -- the night before or the day of or how is this
16 prepared and who prepared it?

17 A The dispatch office typically -- the morning dispatcher
18 will print it out and start preparing it the afternoon before.
19 So early start times would already be written down. For
20 example, David Meyers, number 11, starts at 2 am. That would
21 be written down the afternoon before. More than likely, all of
22 these start times were written the afternoon before.

23 Q And who would've written them at that point in time?

24 A That would've been Shawn Jagnow.

25 Q Okay. And are the dri -- is this page 51 in any

1 particular order, the names?

2 A Yes. So they're sort of two sections. The top section
3 with the first 78 drivers are Seattle and Kenmore drivers by
4 seniority order. And the section at the bottom -- the six
5 drivers at the bottom are the Snoqualmie drivers by seniority
6 order.

7 Q Okay. And how would a driver know what his start time was
8 on that particular day?

9 A So dispatch would've posted the driver start times on a
10 callout -- a phone number that the drivers can call in to get
11 their start times. And they would've posted that by 5 p.m. on
12 Thursday, August 10th.

13 Q Okay. And how would a driver know what his start time is
14 then?

15 A They would call in and -- and listen to the recording and
16 get their start time.

17 Q Okay, very good. And did you review this document as part
18 of preparation of page 1 spreadsheet?

19 A I did.

20 Q Okay. Is this accurate to the best of your knowledge of
21 what you reviewed and what was in place on August 11th?

22 A As far as I know, it is. Yeah.

23 Q Okay. Let's go now to page 52 through 102. Can you tell
24 us what these documents are?

25 A These are photocopies of the delivery tickets that were

1 printed that day from Seattle Kenmore and Snoqualmie.

2 Q Okay. Did you review these delivery tickets as part of
3 your preparation of your spreadsheet?

4 A Yes.

5 Q Let's just look at -- maybe, let's take the one on page
6 54. Are you with me?

7 A Yep.

8 Q Okay. Can you explain -- does it list a driver on here
9 anywhere?

10 A It does.

11 Q Okay. And where is that?

12 A About a third of the way down on the right-hand side, Dave
13 Meyers is the listed driver.

14 Q Okay. And does it say where he's going with this load?

15 A He is going to Walsh Construction on Denny Way and Minor
16 Avenue in Seattle.

17 Q How can you tell that?

18 A On the -- about a third of the way down the way down just
19 to the left of his name, you'll see Walsh Construction. And
20 just under -- under that, you'll see Denny Way and Minor
21 Avenue.

22 Q Can you tell how much he -- how much concrete he's
23 carrying by looking at this document?

24 A Yeah. He had nine-and-a-half yards.

25 Q And how can you tell that?

1 A It's about not quite halfway in the middle.

2 Q Underneath the word "charge"?

3 A Underneath the word "charge."

4 Q Okay. And that's his yardage he's carrying?

5 A Yes.

6 Q Okay. Can you tell where he got loaded?

7 A Yes.

8 Q Where is that?

9 A He was loaded in Seattle. And he was loaded under plant 1

10 of Seattle. And that's indicated -- the plant number 1 is 282.

11 Q Okay. So 282, below the name Dave Meyers?

12 A Yes.

13 Q And that is, when you say plant number 1, what do you mean

14 by that?

15 A There were two batch plants at Duwamish. We referred to

16 them as plant 1 and plant 2. They were assigned plant numbers

17 in our dispatch software, and -- of 282 and 291.

18 Q Okay. And below the address on the left-hand side, which

19 is Denny Way, et cetera, there is a number of quantity items

20 that are listed and, apparently, what's being carried. Can you

21 explain what that part of this delivery ticket is?

22 A Yeah. So this gives more details on what he has in the

23 load, and also what the customer's being charged. So he had

24 nine-and-a-half yards of, the product description is HSFTB,

25 which is high strength backfill. It's sort of like a CDF.

1 They put in red color. So they're probably burying utilities
2 and they wanted to indicate later that if somebody was digging
3 up and they hit red, stop. We charged them a night's truck,
4 that's an additional surcharge because they started early in
5 the morning.

6 They had one percent non-chloride accelerator. So that's
7 an additive that we add to get the concrete -- get the chemical
8 reaction to go faster. Get the concrete to set up sooner.
9 There's an environmental fee, that's a surcharge. And a fuel
10 surcharge as well.

11 Q And when does the driver receive this document in the
12 point of the loading or delivery? When does he get it?

13 A The driver would be under the plant getting loaded, and
14 the batchman would print this out and send it down the vacuum
15 tube to the driver.

16 Q Okay. And below that particular line, right as you just
17 discussed, do you see the blue box that says, "order total"?

18 A Yes.

19 Q Can you describe, starting from the left, what these
20 entries mean?

21 A The entries below that box?

22 Q Yes. All the way starting from the left.

23 A It's cut off a little bit, but it would be truck, so the
24 truck number; the driver, there's a driver ID number and the
25 software -- dispatch software; the user would be the batchman,

1 that's indicated which batchman batched the concrete; dispatch
2 ticket number; ticket ID; the time that the water hit the
3 cement; and the date. Below that, -- it's cut off a little
4 but, I'm not sure what the 50 is. Probably nine-and-a-half
5 cubic yards of the mix number, 60505.

6 Below that, there's a material list, so -- it's cut off,
7 but there's sand; different size of gravel, pea gravel in this
8 case; type II, the Roman II is the cement type that was used;
9 water accelerator. I'm not su -- and then, you know, to the
10 right is the description, design quantity, that's the amount
11 that the batchman was trying to -- or that the mix was designed
12 to have per yard. Required is, essentially that number times
13 nine-and-a-half. Batched is the number -- is the weight that
14 was actually put in the load.

15 There's a variance that they can -- acceptable variance
16 that can be within. The moisture is a measurement of how much
17 moist water is in the aggregate. So you know, dry sand and wet
18 sand have a different moisture content and the batchman has to
19 take that into account when he's adding water to the mix. And
20 then below that, there's more. It talks about the total
21 weight. If it's designed water to cement ratio and the actual
22 water to cement ratio, designed to how much water was supposed
23 to go in the mix, how much water actually did.

24 To add, at the bottom right, 47.6 gallons. That tells the
25 driver how much water he's allowed to add to the mix without --

1 without going over the mix design specification. The lower
2 left -- I think that's supposed to say slump, it's cut off --
3 seven inches. Anything else? That's about it.

4 Q Upper right-hand corner, what is that? What are those
5 entries?

6 A The hand-written entries?

7 Q Yes.

8 A Those are written by the driver. So he wrote 5:05 load
9 plants; 5:18 -- no, I'm sorry -- 5:05 is leave plant; 5:18 is
10 arrive at the job; 5:22 is start pour; 5:52 was end pour, put a
11 mark there for finished job; 5:53 was leave job; and 6:10 was
12 arrive back at the plant.

13 Q And the drivers are expected to keep track of their
14 whereabouts -- or their timing, as it relates to the upper
15 right-hand corner here?

16 A Yeah. We did ask drivers to fill this out.

17 Q Okay. So what do they do with their tickets when they
18 come back to the plant?

19 A Normally, drivers would keep all the tickets as they
20 collected them during the day as they did deliveries, and at
21 the end of the day they would turn all those tickets in to --
22 there's a box that we collected them in, in the driver's
23 training -- or driver's break room.

24 Q And did you review these delivery tickets in preparing
25 page 1 of this document?

1 A Yes.

2 Q And why did you review these delivery tickets?

3 A In most cases, I wanted to see if those times were filled
4 out to see if they had delivered the load.

5 Q And you say in most cases, what do you mean by that?

6 A I also looked at how many yards they delivered, but I
7 didn't put that on my report.

8 Q Okay. So pages 54 through 102, does this accurately
9 represent the delivery tickets that you reviewed to prepare
10 your spreadsheet on page 1?

11 A Yes.

12 Q Let me ask you a quick question about page 50 -- page 102.
13 Do you have it in front of you?

14 A Yes.

15 Q Who would have written the word void on here, if you know?

16 A Most likely somebody in dispatch would have written void.

17 Q Okay.

18 A Occasionally, dispatch would direct a driver to write
19 void. I don't think that happened on August 11th, however. I
20 think dispatch wrote this.

21 Q Okay. Now, let's go to page 103, 104, and 105. Did you
22 review these documents in preparing the spreadsheet on page 1?

23 A Yes.

24 Q Okay. Can you tell us what these documents are?

25 A So this is a report that I can pull -- or I could pull --

1 can pull from our dispatch software. It just lists all the
2 tickets that were sent, generated by dispatch and sent to the
3 batch panel.

4 Q And when did you review these documents?

5 A Well, probably late that Friday afternoon on August 11th,
6 and then again on Monday, August 14th. I'm going to get these
7 dates by the time I'm done.

8 Q Okay. Let's look at the -- looking at page 103, there's
9 about -- there's some blue entries, let's start with those. Do
10 you know what the blue entries represent?

11 A The blue entries are tickets that were recalled by
12 dispatch.

13 Q Why would dispatch recall a ticket?

14 A There's several reasons they might do that. Essentially,
15 what recalling a ticket -- if you send a ticket to the batch
16 panel as long as the batchman has not weighed up any material,
17 we can recall that ticket. You might do that because you
18 changed your mind and wanted to send the driver to a different
19 job. The customer might -- the customer might be on the phone
20 to cancel. In this case, I can't speak for all of them, so I'm
21 not sure exactly why -- like, the one at 3:15, I don't know why
22 that was recalled. But that's why -- you know, the ones in
23 blue were recalled, so.

24 Q Okay. You said the one at 3:15, what do you -- where does
25 it say 3:15?

- 1 A The one at the very bottom.
- 2 Q Oh, okay. Where does it say 3:15, the one at the very
3 bottom?
- 4 A It's the fourth column over, 8/11/2017, 3:15.
- 5 Q Okay. So that's the time? Time of day?
- 6 A Yeah. And all the times are military time, so like, the
7 blue one at the top, 8/11, 1:34, the strike had already started
8 so I can't speak to why they generated a ticket at all at that
9 point, but they recalled it.
- 10 Q Okay. What about the red entries, what do those represent
11 on this form?
- 12 A So the red entries represent tickets that were voided.
- 13 Q Okay. And what do the black entries represent?
- 14 A Those represent tickets that were batched, delivered, and
15 we were going to charge the customer.
- 16 Q Page 104 of this document, can you turn to that, please?
- 17 A Yes.
- 18 Q Can you tell us what this page represents?
- 19 A Yeah. So in the plants, you'll see plant num 291. These
20 are all the tickets that were generated and sent to the batch
21 panel for plant 2; whereas, all the tickets on page 103 went to
22 plant 282, which was plant 1.
- 23 Q And so we're still talking about Duwamish; is that
24 correct?
- 25 A Yeah. Both of these pages represent concrete in Duwamish.

1 Q Okay. And finally, page 105, can you tell us what this
2 page represents?

3 A So 105 are the tickets that were generated and sent to the
4 batch panel in Kenmore. Kenmore's plant number is 260.

5 Q And the red, the blue, and the black, is it the same
6 representation in -- on page 105, that you have described
7 earlier with regard to page 103?

8 A Yes. The blue tickets were recalled, the red tickets were
9 voided, the black tickets were delivered and invoiced to the
10 customer.

11 Q Okay. And what day do you believe you reviewed pages 103,
12 104, and 105?

13 A That would have been either the afternoon of August 11th,
14 or Monday, the 14th.

15 Q And what role did all of these documents in this exhibit,
16 Respondent Number 9, play in the creation of page 1, which is
17 your spreadsheet?

18 A I used these to indicate to me, you know, to tell me
19 which -- how many tickets we generated that day. How many
20 loads of concrete we intended to batch. So there was a ticket
21 number, and then I was able to tell, you know, which driver was
22 assigned to each ticket, what time they were ticketed was on
23 that report. And I used -- either used GPS data or the
24 driver's notes for the return times.

25 Q Okay.

1 MR. PAYNE: We'll move for the admission of Respondent
2 Number 9.

3 JUDGE WEDEKIND: Any objection?

4 MS. CHEREM: I have a few voir dire questions.

5 JUDGE WEDEKIND: Okay.

6 **VOIR DIRE EXAMINATION**

7 Q BY MS. CHEREM: The chart on page 51.

8 A Okay.

9 Q Who added the colors?

10 A The dispatchers. Shawn Jagnow did.

11 Q Okay. So you didn't do it. And there's two Xs on 68 and
12 56. Did you do those, or did somebody else?

13 A I did not. I don't know what those represent.

14 Q Okay. And last one on this document. 1750 in the upper
15 right-hand corner, is that you or somebody else?

16 A That's somebody else.

17 Q And do you know what it represents?

18 A I don't. I think it's a time, but I don't know what
19 it's referring to.

20 Q Yeah. I also assumed it was a time, but I wasn't sure
21 what it meant. And do you know who wrote that or you're not
22 sure?

23 A I'm not sure.

24 Q Okay.

25 A I don't know if it's Shawn's handwriting or not. It looks

1 similar.

2 Q Okay. And then flipping to the 103 to 105.

3 A Okay.

4 Q The color coding, do you know how the color coding
5 happened?

6 A Yes. I -- I did the color coding.

7 Q Okay. So when it gets printed out from the system it's --

8 A It's all black.

9 Q -- all black?

10 A Yeah.

11 Q Okay. And then you went back and added the colors. Okay.

12 MS. CHEREM: No objection.

13 MR. BERGER: I have one or two voir dire questions as
14 well.

15 **VOIR DIRE EXAMINATION**

16 Q BY MR. BERGER: Mr. Nordyke, looking at pages 103 to 105,
17 those spreadsheets. Who generates those?

18 A They're not -- it's a report I can pull out of our
19 dispatch software. It's not something I do every day, or I did
20 every day. But it's -- it's a report that's available to us.

21 Q Okay. Do you know how the system is -- how -- how it
22 pulls the information that a ticket exists to be put into it?

23 A Oh, geez. Well, when the dispatch wants to generate a
24 ticket, they have a screen and they drag the truck over to the
25 job number and the ticket window opens up. And then they send

1 the ticket. When they hit print ticket of -- I guess, I don't
2 know, I'm not an IT person -- a record is created of that
3 ticket. So whether they recall it or void it or deliver it,
4 that ticket exists in the software and it's given a unique
5 ticket number the moment they hit print ticket.

6 Q Okay. So to your knowledge, did these spreadsheets --
7 they don't reflect tickets that are physically reviewed after
8 drivers put them in at the end of the day, they're
9 automatically inputted based on the dispatcher creating?

10 A Well, -- well, the ticket number that's generated on the
11 left-hand side will match the ticket number that's printed on
12 the ticket. So one of the reasons I did this was because the
13 drivers did different things when the strike started. So I --
14 to know how many tickets I was looking for, I printed this out.
15 So there's no marks on this, like, I did cross check that,
16 okay, I have this ticket, it's right here.

17 Q Okay. So to your knowledge, these spreadsheets on pages
18 103 to 105 reflect all of the tickets that were generated on
19 August 11th, as far as you know?

20 A The only ticket that's not on these sheets was the one
21 ticket printed in Snoqualmie and since I was only looking for
22 one ticket, I didn't feel the need to print out a report for
23 that.

24 Q Okay.

25 MR. BERGER: I have no objection.

1 JUDGE WEDEKIND: All right. It's received.

2 **(Respondent Exhibit Number 9 Received into Evidence)**

3 JUDGE WEDEKIND: Can we just go off the record for a
4 second.

5 (Off the record at 10:19 a.m.)

6 MR. PAYNE: We ask this to be marked as Respondent's --
7 what number am I on?

8 MR. MERRITT: We're on 10.

9 MR. PAYNE: 10.

10 **(Respondent Exhibit Number 10 Marked for Identification)**

11 **RESUMED DIRECT EXAMINATION**

12 Q BY MR. PAYNE: Mr. Nordyke, I've just handed you one more
13 packet of documents, which we have asked to be marked as
14 Respondent Number 10. Can you take a quick look at these
15 documents?

16 A Yes.

17 Q And have you done so?

18 A Yep.

19 Q Okay. Let's look at page 1 for a moment. Is this
20 identical to the earlier spreadsheet or is it different to your
21 knowledge?

22 A This has some additional information on it.

23 Q Okay. What additional information does it have?

24 A It has -- there's a -- they numbered the drivers on the
25 left-hand column. And there's a column just to the right of

1 the names. And there's some -- a K -- some K's and some S's
2 indicated.

3 Q And who put the K's and the S's on there?

4 A I did.

5 Q And when did you prepare this?

6 A A month ago, in preparation for this hearing.

7 Q Okay. And what do the K's stand for?

8 A That indicates which plant, so that -- those drivers were
9 domiciled out, so the K's is Kenmore.

10 Q And what does the S stand for?

11 A Snoqualmie.

12 Q Okay. And finally, on the far right I see a new column
13 compared to the earlier spreadsheets that you had. Can you
14 explain what this far right-hand column means?

15 A That indicated how many yards was associated with each
16 ticket.

17 Q And where'd you get the yardage from?

18 A Those -- the yardage is printed on each ticket.

19 Q Okay. And did these -- does the yardage column accurately
20 reflect the yards on each ticket?

21 A Yes, it does.

22 Q Okay. Let me call your attention now to pages 2 through
23 52 of this group -- of this exhibit.

24 A Okay.

25 Q Have you reviewed those?

1 A Yes.

2 Q Can you tell us what those pages are?

3 A It's just an additional set of copies of the delivery
4 tickets for August 11th, 2017.

5 Q And does any information on those delivery tickets relate
6 to the total number of yards delivered by the drivers or loaded
7 in any way to the drivers?

8 A Well, each ticket tells you how many yards were associated
9 with that ticket, so -- that specific ticket. So I'm not sure
10 I understood your question.

11 Q Okay. Does the far right-hand side column -- this came
12 from the delivery tickets?

13 A Yes.

14 Q And does that indicate what the drivers were loaded, or --
15 is that correct?

16 A In most cases.

17 Q Okay. When you say most cases, what --

18 A Well, there were some drivers, like, I think, towards the
19 bottom.

20 Q And what about them?

21 A Okay. Yeah. It indicates that I -- I believe that they
22 were loaded, so.

23 Q Okay. Very good.

24 MR. PAYNE: We'll move for the admission of Respondent
25 Number 10.

VOIR DIRE EXAMINATION

1

2 Q BY MS. CHEREM: Just a point of clarification. On the
3 doc -- the underlying documents on page 2 to 52.

4 A Um-hum.

5 Q Are they different than the document -- the load tickets
6 on pages 52 through 102 in Respondent's 9? Obviously, I have
7 not yet had a chance to cross check this. But I just want to
8 know if it's the same packet or a different packet according to
9 Respondent.

10 THE WITNESS: Do I answer that?

11 JUDGE WEDEKIND: You could.

12 MR. PAYNE: You could if you can.

13 A Yes, they're the same. They're just an additional set of
14 copies. They're the same -- same delivery tickets.

15 Q BY MS. CHEREM: Okay. So if I look at this whole packet,
16 it should be -- they're identical?

17 A Yeah, they're identical.

18 Q Okay.

19 A The same information in the right --

20 Q It's a duplicate.

21 A Yeah.

22 Q Packet 1, again copied. Okay.

23 JUDGE WEDEKIND: Do we have to put it in then? I mean,
24 it's on the record as based on pages 52 to 102 of the prior
25 exhibit?

1 MR. PAYNE: We don't need to put those in. I would like
2 to have the cover sheet and the --

3 MS. CHEREM: Sure.

4 JUDGE WEDEKIND: Okay. Does that make sense? Everybody
5 hear that?

6 MS. CHEREM: Yes.

7 JUDGE WEDEKIND: Okay.

8 MS. CHEREM: So we're looking for just page 1 of
9 Respondent's 10?

10 JUDGE WEDEKIND: Right.

11 MR. PAYNE: That's correct.

12 MS. CHEREM: No objection.

13 MR. BERGER: And no objection from the Charging Party.

14 JUDGE WEDEKIND: Okay. So we'll admit R-10 is just the
15 cover sheet, the spreadsheet. We don't need to include the --

16 **(Respondent Exhibit Number 10 Received into Evidence)**

17 MR. PAYNE: Could we go off the record for just a moment,
18 Your Honor?

19 JUDGE WEDEKIND: Sure. Off the record.

20 (Off the record at 10:27 a.m.)

21 **RESUMED DIRECT EXAMINATION**

22 Q BY MR. PAYNE: Mr. Nordyke, let's talk about the events
23 leading up to the 39 warning letters that were issued by the
24 company on August 23rd. Did you have a discussion with anyone
25 in dispatch regarding scheduling people for the mat pour that

1 was going to take place?

2 A I did.

3 Q Who'd you have a conversation with?

4 A Adam Doyle.

5 Q And what was Adam Doyle's position?

6 A He is the dispatch coordinator.

7 Q And was your conversation with Adam Doyle in person or by
8 phone?

9 A It was by phone.

10 Q Who called whom?

11 A Adam called me.

12 Q And what day did this conversation take place on?

13 A August 18th, 2017.

14 Q Okay. And when was the mat pour going to be worked?

15 A August 19th.

16 Q Okay. Now, August 18th, was that the day of the
17 ratification vote for the new contract, to your knowledge?

18 A It was.

19 Q What time was your conversation with Adam Doyle?

20 A Midday. I don't remember exactly what time it was. It
21 was midday.

22 Q Okay. Where were you when you had this conversation with
23 Adam Doyle?

24 A I was in the passenger seat of my family car.

25 Q Where were you going?



1 A The wife and kids and I were going to the airport to leave
2 on vacation.

3 Q Okay. And where was Adam Doyle calling you from, to the
4 best of your knowledge?

5 A From work. I believe he was in the dispatch office.

6 Q And why do you believe that?

7 A Just the background noise behind him.

8 Q What was the subject matter of your conversation with Adam
9 Doyle?

10 A Adam called me to tell me that the drivers had voted to
11 ratify the contract. That it was decided they were going to
12 attempt to do the mat pour. And he wanted to check with me to
13 make sure that he wasn't forgetting anything, because I was --
14 Dave Siemering and I were typically the ones that planned the
15 mat pours and he wanted to make sure he didn't miss anything.

16 Q And is that what he said to you?

17 A Yeah.

18 Q And what did you say in your conversation then with Adam?

19 A I told Adam, well, okay, call all the available -- well,
20 get all the available drivers on a -- a roster, let's get the
21 start times done. Call the drivers as soon as you can to
22 notify them. Call the fuel company, because I didn't know if
23 the trucks had been fueled since the strike started. Told
24 him -- reminded him to buy lunches for the guys. We typically
25 fed the guys on mat pours. Again, reiterated call -- call the

1 drivers as soon as you can and make sure Dirck posts the start
2 times by 5.

3 Q Okay, Dirck. Who's Dirck.

4 A Dirck Armitage.

5 Q Okay.

6 A He's the dispatcher.

7 Q To posts the start times by 5; what does that mean?

8 A Just like, you know, a regular day you need to post the
9 start times for Saturday work by 5 p.m. on the callout list so
10 that the drivers can call -- call in and find out their start
11 times or check their start times.

12 Q Okay. So by post you mean create a callout list?

13 A Yes.

14 Q Okay. And you said this was going to be a Saturday pour.
15 What time approximately would you guys start on a Saturday?

16 A I don't know if I knew that exactly. Typically they start
17 1 or 2 in the morning.

18 Q Okay. And did you give him instructions on what groups of
19 drivers to call?

20 A I told him to call all the available drivers and he and I
21 understood that to mean all available 174 drivers.

22 Q Okay. Have you had to call all available drivers in for a
23 mat pour in the past?

24 A Yes.

25 Q How often?

1 A It depends on the size of the mat pour but half the time.

2 Q Okay. How many mat pours were you involved in prior to
3 this one where calls were being made to drivers?

4 A Several. I don't remember the exact number. It --
5 several.

6 Q Okay. And had you participated in the driver assignments
7 for a mat pour before August of 2019?

8 A Yes.

9 Q Okay. What role had you played?

10 A Typically, me and the dispatcher that was going to be
11 working the next mat pour, the next morning, would go through
12 and decide which drivers, how many drivers we needed, which
13 drivers would be working. Normally, we would track their hours
14 worked during the week to make sure they had available hours so
15 that they didn't violate DOT regulations so they could work.
16 And then we would assign start times by seniority.

17 Q What was the concern about DOT hours that you had to be
18 careful about?

19 A Drivers are only allowed to drive 60 hours in a week or
20 work 60 hours in a week. So if they had worked 55 hours Monday
21 through Friday, we were not going to call them in to work a 12-
22 hour mat pour on Saturday.

23 Q Okay. And how would you know which drivers were getting
24 close to the 60-hour mark?

25 A Part of the process when I approved payroll, I would make

1 a log of those hours and I would keep track of how many hours
2 they worked.

3 Q Okay. And -- excuse me -- can you tell us generally in
4 2017 how you assigned drivers a start time for weekend mat
5 pours?

6 A For weekend mat pours we would always ask for volunteers.
7 Mat pours generally need 50, 60, 70 drivers. I don't recall
8 ever getting more volunteers than I needed for drivers. But we
9 would ask for volunteers and then, you know, say we needed 60
10 drivers and we had 30 volunteers then we would assign drivers
11 to the roster based on inverse seniority order. So we'd start
12 at the bottom and work our way up 30 drivers that did not
13 volunteer until we had enough drivers. And then we would
14 assign start times by seniority.

15 Q Okay. And would those get posted as well, by 5:00 the
16 previous day?

17 A Yeah. Once we had the roster, we would start notifying
18 the guys that they were going to be working a mat pour. We
19 would normally, if we had the start times done, tell them.
20 Just so they -- you know, if you're starting at 1:00 in the
21 morning we would want to let them know as soon as we could.
22 But we would also post it at 5 because some guys just would
23 forget and then they could call in and remind themselves what
24 their start time was.

25 Q So how would you tell them verbally? Explain that to me.

- 1 A Either over the radio or we would call them.
- 2 Q Okay. On a Saturday mat pour, for example, I think you
- 3 said maybe 2 a.m., when -- when would the start times be
- 4 posted? What day would they be posted?
- 5 A Friday.
- 6 Q Okay. Friday by 5?
- 7 A By 5:00 p.m.
- 8 Q Okay. How does that 5:00 p.m. posting differ from
- 9 Saturday work that's not a mat pour?
- 10 A It doesn't.
- 11 Q Pardon me?
- 12 A It doesn't.
- 13 Q Okay. By 5:00 p.m. posting we're talking about Friday by
- 14 5, right?
- 15 A Yeah, we have to post the start times for Saturday by 5:00
- 16 p.m. on Friday.
- 17 Q Okay. And is that how you've done it?
- 18 A Yes.
- 19 Q And are drivers expected to call dispatch back after their
- 20 start time has been posted by Friday at 5:00 to confirm
- 21 anything?
- 22 A They're not -- they're not required to, no.
- 23 Q Okay. And was there anything else necessary to assign
- 24 start times for a mat pour besides what you've already
- 25 described?

1 A If we anticipated work, we'd have to notify them by
2 Thursday at noon.

3 Q Okay. And in this case, did you anticipate work on the
4 Thursday before the mat pour which was scheduled for August
5 19th?

6 A I did not.

7 Q Why not?

8 A The drivers were on strike and negotiations were ongoing
9 so without knowing when it was going to end and an agreement
10 was going to be reached, I couldn't anticipate doing anything.

11 Q Okay. And if you anticipated it, how would you post it or
12 how would you let drivers know, hey, we're anticipating a mat
13 pour?

14 A Well, Saturday work in general we would notify them that
15 we were anticipating work on the callout recording. So if a
16 driver called in to get their Wednesday start time, they might
17 hear their start time -- you know, we might -- the recording
18 might start we're anticipating work on Saturday. Specifically,
19 for mat pours I would generally try to -- just for heads up,
20 try to post in the driver's rooms that, you know, there is a
21 tentative mat pour on this date with this date with this many
22 yards.

23 Q And do you -- when you put that notice up in the driver's
24 room, does it give people their start times?

25 A No.

1 Q Does it tell people how many hours they're going to be
2 working for that mat pour?

3 A No.

4 Q It just simply tells them, hey, it looks like we might
5 have a mat pour?

6 A Yeah. It's just a tentative schedule of a mat pour, so --
7 mat pours are exhausting and you pretty much write off your
8 weekend when you work one. So as a courtesy I would try to let
9 them know, you know, plan ahead we might have a mat pour this
10 day.

11 Q Okay. When you say you might have a mat pour does
12 sometimes what you think might be a mat pour change during that
13 time frame?

14 A They get rescheduled for various reasons.

15 Q Like what?

16 A A customer wouldn't be ready or they push it back a week.
17 That happened several times.

18 Q Okay. Let's just talk about, now, regular work
19 assignments during the week. When do you post start time
20 assignments, for example, for Thursday work?

21 A We would post start times by 5:00 on Wednesday for drivers
22 that had assigned start times. Not all the drivers would get a
23 start time.

24 Q Okay. And what happens if a driver is not assigned a
25 Thursday shift in that Wednesday callout?

1 A They're considered on call for Thursday morning.

2 Q Okay. Can you explain that?

3 A So if a driver did not receive a start time Wednesday on
4 the callout list, they would be considered on call and we would
5 have a window to call them to come to work between 5 a.m. and 9
6 a.m. on Thursday morning. So they were required to answer the
7 phone -- or be available to answer the phone on Thursday
8 morning from 5 a.m. until 9 a.m.

9 Q And what if they did not answer the phone during that time
10 period? They get a call at 8 and for whatever reason they
11 didn't answer it?

12 A We would move on to the next guy. But if we needed
13 everybody they would be marked as unavailable.

14 Q And what's the significance of that?

15 A They weren't available to work and could be subject to
16 discipline.

17 Q Okay. And what if you call a driver after 9:00. He's not
18 on the call list the day before, you call him at 10:00 let's
19 say, what happens then?

20 A Well, if we're calling a driver at 10:00 we've either made
21 a mistake or we're desperate and we're hoping he answers the
22 phone. But we're really asking him for a favor at that point.
23 He's not required to answer the phone or be available.

24 Q Okay. So if he shows up at 10 what happens?

25 A If he showed up at 10:00 and punched in at 10 there's a

1 clause in the contract that he would get paid premium for that.
2 So he's first hour because he was an hour after 9 would be at
3 time and a half.

4 Q And what happens after 10? Straight time?

5 A Straight time until he reaches eight hours and then he's
6 back again on time and a half.

7 Q Okay. What's the application for the 9 a.m. rule for
8 Saturday work?

9 A There is none.

10 Q Okay. What do you mean? Can you explain?

11 A If a driver didn't receive a call or notification that he
12 was working on Saturday by 5 p.m. on Friday we don't -- drivers
13 are not on call for Saturday. They don't -- there's no
14 requirement or expectation that a driver be available to answer
15 dispatch from 5 to 9 on Saturday.

16 Q When work is scheduled for Saturday after midnight, let's
17 say again 2 a.m., is that work deemed to be Friday work or do
18 you call that Saturday work?

19 A That's Saturday work.

20 Q Okay. So based on your experience, what application would
21 the 9 a.m. on-call requirement have for that Saturday work that
22 would start at 2 a.m.?

23 A There wouldn't be -- it would -- it was irrelevant to
24 that. It wouldn't apply.

25 Q What's dispatch's process for making sure that drivers

1 have ten hours off between shifts, if you know?

2 A So if a driver's required to start, let's say, early the
3 next day, DOT regulations specify they have to get ten hours
4 rest between shifts. Dispatch would try to make sure that they
5 got off the clock before ten hours so that they would have at
6 least ten hours rest.

7 Q Okay. When you're calling all available drivers in to
8 work for a mat pour, for example, do you even ask for
9 volunteers?

10 A We typically did.

11 Q Did you? Okay. And when you call all available drivers
12 in do you call in seniority order or inverse seniority order?

13 A If we were -- we were calling all -- all drivers, we would
14 call them by seniority order because we're assigning start
15 times by seniority order and the senior guys are going to start
16 the earliest. And we want to notify them first that, you know,
17 so that they have as much notice as we can give them.

18 Q Okay. And let's talk about this ten-hour DOT issue for a
19 moment. Is there any responsibility on the driver, from
20 Glacier's perspective, to let you know if he's being called in
21 inside the ten-hour mark?

22 A Yeah. The drivers have -- they have an equal
23 responsibility under DOT regulations to monitor their hours.
24 So if a driver was given a start time and we did not get him
25 off the clock in time, they should call me or dispatch to

1 inform us that I'm not going to be able to make that start time
2 because I won't have ten hours off.

3 Q So for example, on a mat pour, if a driver has been
4 assigned a start time nine hours from the end of his Friday
5 what would you expect to happen?

6 A If we overlooked it and we missed it I would expect the
7 driver to call us and tell us.

8 Q And what would you do about it?

9 A We would adjust his start time back so that he -- we made
10 sure he got ten hours off.

11 Q Okay. What about if a driver just ignores dispatch and
12 just doesn't show up at all for a mat pour?

13 A If they were given --

14 MR. BERGER: Objection.

15 MR. PAYNE: Is there any consequence?

16 JUDGE WEDEKIND: What's the objection?

17 MR. BERGER: Well, he can continue but it seemed like
18 there was no question pending -- or there -- it was a vague
19 question. It seemed like he was continuing.

20 JUDGE WEDEKIND: Okay. So you can go ahead. What -- can
21 you repeat the question?

22 Q BY MR. PAYNE: The question was, what about if a driver
23 ignores dispatch and doesn't show up at all for a mat pour; are
24 there any consequences?

25 A They could be subject to discipline if they didn't show up

1 for a mat pour and they were given an assigned start time.

2 Q Okay. Let me call your attention now to Section 302 of
3 the labor agreement, which has been marked as General Counsel
4 Exhibit 10. Do you have that there? Here's another copy.

5 A No.

6 MR. PAYNE: I don't know what happened to all our witness
7 evidence.

8 JUDGE WEDEKIND: Thanks. Appreciate it.

9 THE WITNESS: I'm sorry, which section, John?

10 MR. PAYNE: 302, please.

11 Q BY MR. PAYNE: And looking now at the bottom of page 3 and
12 the top of page 4, are you with me?

13 A Yep.

14 Q There's a reference to 32 hours. Employees who have
15 worked 32 hours and what happens to them if there's additional
16 work. What is your understanding of how this language has been
17 applied? What's a 32-hour driver and so on? Can you explain
18 how -- how it is applied and has been applied by Glacier?

19 A So the 32-hour reference applies to Saturday work. So if
20 a driver worked less than 32 hours, Monday through Friday, and
21 they worked on Saturday then their time on Saturday would be
22 paid at straight time. If they worked more than 32 hours, and
23 they worked on Saturday, their time on Saturday would be paid
24 at time and a half.

25 Q Okay. And did you apply the 32-hour rule for mat pours?

1 A No.

2 Q So generally, now, if Glacier had -- if Glacier's
3 dispatch -- talking about now the mat pour -- had followed your
4 instructions and used the start time list, had called the
5 drivers with their start times, and posted it before 5 p.m., do
6 you believe Glacier had violated the labor agreement?

7 MS. CHEREM: Objection. Calls for a legal conclusion.

8 MR. BERGER: Same objection.

9 JUDGE WEDEKIND: I'm sorry. Can you repeat the question?

10 MR. PAYNE: Sure.

11 Q BY MR. PAYNE: If Glacier had followed your instructions
12 and used the start time list, had called the drivers with their
13 start times, posted it before 5 p.m., do you believe Glacier
14 had violated the labor agreement by doing that on August 19th?

15 JUDGE WEDEKIND: Overruled. Can you answer that question?

16 A I don't.

17 Q BY MR. PAYNE: You don't what?

18 A I don't believe we violated the contract.

19 Q Okay. Let's talk one more time -- just to make sure we're
20 clear. Did Glacier notify drivers by noon on the previous
21 Thursday that the mat pour was anticipated?

22 A Which day?

23 Q That would have been August 17th.

24 A Did we notify the drivers on August 17th? No, we didn't.

25 Q Okay. And the reasons were?



1 A The drivers were on strike, negotiations were ongoing.
2 Having no idea when that would be concluded, I had no
3 anticipation of any mat pour or any other work.

4 Q Who posts those notices in the driver room that you're
5 referring to that you said some notices get posted on Thursday
6 of a mat pour? Is that your job to post them? Do you have the
7 dispatch post them or who posts them?

8 A A lot of the posts goes sometimes weeks and months in
9 advance. But I would post those. I would write those up on a
10 Word document. I would post them in Seattle. I would email
11 them to the Kenmore and Snoqualmie superintendent and ask them
12 to post it at their locations.

13 Q Did you post a GLY notice weeks in advance?

14 A Which one?

15 Q The one that dealt with the August 19th mat pour.

16 A No. I posted one for August 12th.

17 Q Okay. But it was posted?

18 A Yes.

19 Q Okay. And approximately when was it posted?

20 A I don't know specifically. Probably two or three weeks
21 ahead of time.

22 Q Okay. And if you have -- now, if Glacier has given a
23 driver a start time for a mat pour, would you expect him to
24 call back and confirm it?

25 A I would not expect it, no.

1 Q Okay. What if he couldn't make it in that day?

2 A Well, then I would expect him to call me and tell me or to
3 call dispatch and tell them.

4 Q Let's talk, for just a moment, about those warning letters
5 that related -- that were written on August 23rd for guys who
6 didn't show up for the mat pour. Did you ever use those for
7 purposes of progressive discipline?

8 A I did not.

9 Q And the warning letters that were written on August 28th,
10 related to drivers who brought their loads back, did you ever
11 use those for purposes of progressive discipline?

12 A I did not.

13 Q Did either sets of those warning letters ever go to
14 arbitration?

15 A Not that I'm aware of.

16 Q A few more questions here. When did you first start
17 working as transportation manager at Glacier's Duwamish site?

18 A 2012. I don't remember, specifically. It would have been
19 somewhere between like January and March of 2012.

20 Q And until when did you cease being the transportation
21 manager?

22 A August 2019.

23 Q Okay. Did those duties involve sometimes monitoring and
24 supervising the Local 174 drivers in trucks?

25 A Yes.

1 Q Did those duties involve monitoring the delivery and
2 return of concrete?

3 A Yes.

4 Q Did you have the opportunity to witness returning concrete
5 in the Duwamish yard?

6 A Yes, I did.

7 Q Based on your experience, were you able to observe how
8 long concrete can remain in the drum from the time it's batched
9 until it starts setting up?

10 A It depends on a lot of factors but yes.

11 Q Okay. And what are the factors that it depends upon?

12 A Ambient temperature, the amount of cement in the mix, the
13 amount of add mixture and water in the mix, how old the mix is,
14 those type of things.

15 Q Okay. Let's talk about ambient temperature. How does
16 that affect the life of a batch of a load of concrete?

17 A In general, the hotter it is outside the quicker the
18 concrete is going to set up, and the colder it is outside the
19 longer it will last before setting up.

20 Q Okay. And you said the cement. Can you explain what role
21 the cement plays in the life of a load of concrete?

22 A So concrete is a chemical reaction with cement and water.
23 And the more cement you have the quicker that reaction takes
24 place. And the reaction generates heat. So the more cement
25 you have the more heat it generates. And as heat is generated

1 the process speeds up, so having more cement makes it a hotter
2 mix and that will not last as long. That will set up sooner,
3 faster -- I don't --

4 Q Okay. And when does this reaction begin?

5 A When the water hits the cement.

6 Q What does that mean? Where does the water hit the cement?

7 A As soon as cement is introduced into the batch plant
8 barrel and water is introduced at the same time the chemical
9 reaction starts.

10 Q It starts at the time the truck is being loaded?

11 A It starts as soon as the cement goes into the batch --
12 batch plant mixer. So it starts before it gets loaded into the
13 truck.

14 Q Okay. And what's that process called?

15 A Hydration.

16 Q And I realize there's a lot of variables here, but do you
17 have an estimate of the average life of a load from the point
18 of batching until it begins to set up in the barrel of the
19 truck? Based on your experience.

20 A Probably about two hours.

21 Q And do you know what happens to that two-hour life if
22 water is added to the load by a driver?

23 A If a driver is monitoring his load and adding water he can
24 extend it for another half hour, hour.

25 Q Okay. But what happens to the load if he adds more water?

1 Is it going to stop setting up or will it set up or what
2 happens, to your knowledge?

3 A Well, adding water will make the viscosity more fluid so
4 the mix gets more fluid so that'll extend the life a little
5 bit. I don't know how else to answer that.

6 Q Okay. Can concrete set up in water?

7 A Yes, it can.

8 Q For example, if you're pouring concrete in Lake Washington
9 over here could you put it -- could it set up?

10 A If you had -- the biggest obstacle of pouring concrete in
11 water is making sure the cement doesn't disperse into the
12 larger water body. So if you have a container and you pour
13 concrete into it you can -- it'll set up.

14 Q Okay. What kind of container are you talking about?

15 A You can have a column or a box or anything that will make
16 sure that the cement doesn't dissipate through the water.

17 Q Okay. Did you return to the Duwamish site on August 11th?
18 I think you said you were dropping your kids off at school.

19 A Yes. I dropped them off at day care and then I came into
20 the plant.

21 Q Okay. And about what time do you think you got to the
22 plant?

23 A It was about 8:30.

24 Q What did you see when you got there at 8:30?

25 A A lot of trucks parked. There were -- there was a double

1 line along the ready-to-load line, which was not normal. There
2 were trucks parked over by the operator's building lunchroom
3 parking area and there was a line of trucks going to the back
4 of the yard?

5 Q Did you see people out there working?

6 A Yeah.

7 Q Who'd you see working?

8 A I saw mechanics, operators, a few C technicians, laborers,
9 and Dave Siemering.

10 Q Okay. What did you see them doing?

11 A They were all in the process of getting trucks, taking
12 them to the back, dumping loads -- I walked to the back, they
13 were dumping loads of concrete and -- but others were washing
14 out the drums.

15 Q Okay. There's been testimony in this proceeding that
16 there were 15 trucks that were in the yard with full loads on
17 them. Based on your experience, do you believe these trucks
18 could have been offloaded into the reclaimer at Duwamish?

19 A I don't think that's feasible, no.

20 Q Pardon me?

21 A I don't think that is feasible, no.

22 Q Why?

23 A Typically, it took an hour to offload a load of concrete
24 into the reclaimer, and it had to be monitored by an operator.
25 It's sort of sensitive, temperamental -- I don't know. The

1 machinery -- you had to add a lot of water to get a load of
2 concrete through that reclaimer and somebody had to be
3 monitoring it with the driver. The operators didn't like the
4 drivers to operate it by themselves because the operators are
5 the ones that have to fix it, and they wanted to make sure the
6 drivers weren't putting too much in too fast. So it would take
7 an hour per load.

8 Q What happens if they put in too much too fast?

9 A Well, if they put it in really fast, they could clog it,
10 which broke the machine. If they put it in too fast, and they
11 didn't add enough water, then the reclaim system didn't really
12 work. You wash sand and gravel into -- if you added too much
13 water, you would wash sand and gravel into the pond where the
14 water and cement was supposed to go.

15 Q Okay. So the reclaimer itself, what does it separate from
16 what?

17 A It separates the water and cement from the sand and
18 gravel, and then it segregates the sand and gravel into two
19 separate piles.

20 Q Okay. So does that preserve the value of that load that
21 got put through the reclaimer?

22 A No.

23 Q Why not? Can you explain?

24 A We're able to reclaim some sand and gravel and reuse it,
25 but the cement is gone, and most of the cost of a load of -- a

1 yard of concrete is in the cement.

2 Q It's not in the sand and gravel?

3 A No.

4 Q Did you attend any of the training sessions regarding
5 environmental protections that were held that drivers attended?

6 A I did.

7 Q Who -- who put those on?

8 A I would schedule them, and Matt Hinck would give the
9 training.

10 Q Okay. And did drivers -- were the 174 drivers in
11 attendance?

12 A Yes.

13 MR. PAYNE: No further questions, Your Honor.

14 JUDGE WEDEKIND: Thank you.

15 Cross?

16 MS. CHEREM: Yeah. And given the time, I actually have
17 a -- sort of a cross proposal, maybe? If I could do, like, one
18 subject matter now, and then we could take, maybe, an earlier
19 lunch break, and I can go through more for the later part, just
20 to keep the ball rolling?

21 JUDGE WEDEKIND: I don't have an objection to that. Do
22 you want to just start and see how it goes?

23 MS. CHEREM: Yeah.

24 JUDGE WEDEKIND: Okay.

25 MS. CHEREM: I'll let you know when I get to the point

1 where I, like --

2 JUDGE WEDEKIND: Sure.

3 MS. CHEREM: -- need time.

4 JUDGE WEDEKIND: Okay.

5 **CROSS-EXAMINATION**

6 Q BY MS. CHEREM: Okay. Hi, Brent.

7 A Hi.

8 Q Thanks for your patience. You've been around a while,
9 so -- you know who I am. I'm going to ask you some questions
10 in response to the questions you were already asked. So you
11 said that on August 18th, 2017, you were on your way to the
12 airport for a family vacation --

13 A Yes.

14 Q -- right? When did you get back?

15 A I was gone -- the next week I got back on the 28th.

16 Q The 28th. Is that the day you got back to Seattle or the
17 day you went back to the office?

18 A That's the day I went back to work.

19 Q Okay. Okay.

20 MS. CHEREM: Does he have --

21 Q BY MS. CHEREM: Do you have the joint exhibits in front of
22 you or anything?

23 A I have the ones that we entered, and I have the contracts.

24 Q Okay.

25 A There's a couple over here. I think these are Robert's

1 and --

2 MS. CHEREM: I'm going to just give him my Joint Exhibit 3
3 so he can look at it, if that's okay. I'm going to show him a
4 different one --

5 MR. PAYNE: He's got Exhibit --

6 MS. CHEREM: That one's Joint Exhibit 3, but I don't,
7 apparently, have the -- give me --

8 Q BY MS. CHEREM: Okay. So if you could take a look at
9 Joint Exhibit 3. The first page that has an actual, like,
10 content letter on it, which I think is page 4. Eric Allen.

11 A Okay.

12 Q Okay. Did you have any role in the decision to issue
13 the -- these August 23rd letters?

14 A I did not.

15 Q Okay. Do you know who did?

16 A I am not sure.

17 Q When did you find out the disciplines had been issued?

18 A I found out about the --

19 Q These. The August 23rd --

20 A These?

21 Q -- yes.

22 A Yeah.

23 MR. PAYNE: Excuse me, Your Honor. Can he be allowed to
24 answer the question?

25 JUDGE WEDEKIND: Sure. And I'm a little confused. What

1 exhibit are we looking at?

2 MS. CHEREM: This is Joint Exhibit 3 with the disciplines
3 for the mat pour.

4 JUDGE WEDEKIND: Okay.

5 MS. CHEREM: Failure to report to the mat pour.

6 JUDGE WEDEKIND: All right. Just try to let him answer
7 the question, please.

8 A I'm sorry, what was the question?

9 Q BY MS. CHEREM: I don't remember. I would -- do you
10 know -- I think I asked -- did you answer that one? Did you
11 know who answered -- who decided?

12 A I don't know.

13 Q When did you find out that these had been issued?

14 A I found out when a couple drivers came to my office to ask
15 me about letters that they had received.

16 Q Okay. In relation to when you got back from vacation --
17 so in relation to August 28th, do you have any idea --

18 A It would have been -- so August 28th was Monday?

19 Q Uh-huh.

20 A Probably -- I don't know that anybody approached me the
21 first day, but Tuesday, Wednesday, a couple guys approached me
22 about these.

23 Q Who do you recall approaching you?

24 A I don't recall exactly who it was. I just sort of have a
25 general memory of it. Nobody's asked me about this in six

1 years, so --

2 Q Yeah.

3 A -- I don't remember the specific individuals.

4 Q Okay. And do you remember about how many people
5 approached you?

6 A There were only really a handful. Four or five.

7 Q And you don't remember who they were?

8 A I don't remember who they were.

9 Q Okay. Do you know -- and you may not -- what, if any,
10 investigation was conducted before issuing these disciplines
11 about the mat pour?

12 A I don't know.

13 Q In your role -- any of the roles you held, do you -- have
14 you ever had the opportunity to issue discipline to drivers?

15 A Yes.

16 Q What format do you usually issue discipline to drivers in?
17 Is there a specific form?

18 A I would typically use -- I don't know how to describe --
19 yeah. So there was a form that I would typically use.

20 Q Okay.

21 A They all look the same.

22 Q Got it. So some standard disciplinary form that you have
23 blank copies of?

24 A Yes.

25 MR. PAYNE: Your Honor, if this line of questioning is

1 going to go on, we need some foundation time. Talking before
2 '17, after '17, in '17, and so on.

3 JUDGE WEDEKIND: Okay. That would help.

4 MS. CHEREM: Sure.

5 Q BY MS. CHEREM: In your role as -- in any of the roles you
6 held prior to August of 2017 -- up to and including.

7 A In my role as the transportation manager, yes.

8 Q Okay. Had you ever issued discipline not on one of those
9 forms before? Again, the same time frame.

10 A Initially, when I started as transportation manager, I
11 would write a letter similar to this. And then shortly
12 after -- six months after I started, I -- HR asked me to use a
13 form, and I used that from then on.

14 Q Can you remind me of when that -- when you became
15 transportation manager so that I can --

16 A February 2012. So by summer of 2012, I was using a
17 standard form. And I used that form --

18 Q Okay.

19 A -- until I stopped in 2018.

20 Q And that was at the request of HR, it sounds like?

21 A Yes.

22 Q As the transportation manager, would you have been the
23 primary person for issuing discipline to a driver? Like, who
24 would have authority to discipline drivers, I guess?

25 A For the Seattle drivers --

1 Q Yes.

2 A -- it would have been me --

3 Q Uh-huh.

4 A -- for most instances. Most incidents, I would be the one
5 issuing discipline.

6 Q While you were on vacation, did you have any sort of
7 acting transportation manager, or how did that work?

8 A There was nobody acting for me, so my duties were sort of
9 spread out on who was most capable --

10 Q Uh-huh.

11 A -- of covering.

12 Q How were your duties spread out, if you recall?

13 A I think Jessica helped with pay -- processing payroll.
14 Dave Siemering helped with responding to accidents.
15 Environmental spills, concrete spills. Adam Doyle was already
16 the dispatch coordinator, so -- I oversaw him, but he was in
17 charge of the dispatch office while I was gone.

18 Q Uh-huh.

19 A And then Justin would have been in charge of anything else
20 that needed to be done. Sort of, high -- I mean --

21 Q Okay. You said for mat pours -- again, up -- leading up
22 to and including August 2017 -- you typically asked for
23 volunteers, correct?

24 A We did.

25 Q And how far in advance of the scheduled mat pour did you



1 usually ask for volunteers?

2 A Usually, we'd start asking for volunteers on Monday if the
3 mat pour was that Saturday. So we'd ask all week.

4 Q And how did that work?

5 A We would just post that there was a mat pour coming up on
6 the call out, where the drivers call in, and we'd ask for
7 volunteers on the recording.

8 Q Got it. You mentioned that if all drivers are called in,
9 you call in seniority order?

10 A Yes.

11 Q What happens if not all drivers are going to be called?

12 A So we would build with the roster. So we'd take
13 volunteers -- are we talking about mat pours or just general
14 Saturday work?

15 Q I'm not sure. Tell me the difference.

16 A Okay.

17 Q Or do both of them for me.

18 A So for general Saturday work, we would look at our
19 volunteer list and we would say, okay, who's worked less than
20 32 hours? And we'd put them on the roster.

21 Q Uh-huh.

22 A And then we'd take -- if we needed more, we would take the
23 volunteers that worked more than 32 hours and put them on the
24 roster. If we needed more, we would start at the bottom of the
25 seniority list and work our way up and force --

1 Q Uh-huh.

2 A -- assign drivers start times in reverse order. And we'd

3 put them on the roster.

4 Q Okay, so that was non mat pour Saturday work, what you

5 just described to me?

6 A Yes. But once we had the roster built --

7 Q Okay.

8 A -- we would assign start times by seniority. So --

9 Q Got it.

10 A -- the most senior driver may not have volunteered, but he

11 would be the first one starting.

12 Q I see. Okay.

13 A Does that make sense?

14 Q Yes. And now -- how about walk me through mat pour?

15 A For a mat pour --

16 Q If not everyone is assigned.

17 A If not everyone is assigned, say we needed 40 drivers.

18 Q Uh-huh.

19 A We would look to see how many volunteers we had. They

20 would all go on the roster. Any volunteer that volunteered for

21 mat pour went on the roster --

22 Q Okay.

23 A -- whether they worked more or less than 32 hours. If we

24 needed more drivers at that point, we would go to the seniority

25 list and we would start at the bottom and force however many

1 drivers we needed to get to the number that we needed for that
2 day, and we'd build the roster. And then once we had the
3 roster, we would assign start times by seniority.

4 Q Thank you for clarifying that for me. Do you know whether
5 CalPortland asked for volunteers for the August 19th mat pour?

6 A We did not.

7 Q For the guys who were on call on, let's just say, a
8 weekday morning --

9 A Uh-huh.

10 Q -- so they weren't on the callout list the night before,
11 and now they're waiting from 5 a.m. to 9 a.m. being on call,
12 right?

13 A Right.

14 Q You testified that if they don't answer, you move on to
15 the next guy; is that right?

16 A Yes.

17 Q If you move on to the next guy, does that driver
18 automatically get issued discipline for not having picked up
19 their phone?

20 A No. They could call us back. I mean, that happened
21 occasionally. We would leave a voicemail, and they would call
22 back. And then we would ask them to come into work.

23 Q But if they didn't call back, and if you had moved on to
24 the next guy, do they automatically get issued discipline for
25 not having picked up their phone?

- 1 A I would talk to them and find out why they didn't pick up
2 the phone. If they had a good reason for it --
- 3 Q Uh-huh.
- 4 A -- I might excuse it. Otherwise, they'd be subject to
5 discipline.
- 6 Q Got it. So you'd investigate.
- 7 A Yes.
- 8 Q Essentially. Or look into it.
- 9 A Looked into it.
- 10 Q Do you have Respondent's 9 in front of you?
- 11 A They're not marked on this so which -- which one was that?
- 12 Q The one that's, like, really thick. It's got, like, a
13 hundred and something pages.
- 14 A I do.
- 15 Q Okay. I'm going to start in the middle because that's
16 where I'm prepared to start, and then we'll go back later after
17 lunch and come back with the rest of it. But I -- okay. And
18 then do you also have that -- oh, yeah. That cover sheet, if
19 we could keep that separate, that would probably be easier.
20 But one that's Respondent's 8 and the first page of
21 Respondent's 9.
- 22 A Okay.
- 23 Q Okay. So let's start on page 55.
- 24 A 55?
- 25 Q Uh-huh.

- 1 A Okay.
- 2 Q Maybe I am missing it. Oh. David Meyers. Okay. Sorry.
- 3 I was looking for Dave Meyers. I just answered my own first
- 4 question. I'm assuming Dave is David; is that right?
- 5 A That's correct.
- 6 Q Okay. All right. Let's turn to page 58.
- 7 MR. PAYNE: I'm sorry, what page?
- 8 MS. CHEREM: 58.
- 9 A Okay.
- 10 Q BY MS. CHEREM: Uh-huh. Okay. Eric Allen. So I only see
- 11 one ticket in here. Well, Eric Allen has pages 57 and 58 on
- 12 delivery tickets.
- 13 A Yes.
- 14 Q Okay. Can you -- maybe it's -- no. Okay. Can you walk
- 15 me through what information on the delivery tickets appears on
- 16 the spreadsheet? So let's start with page 57. What is this
- 17 for on your spreadsheet?
- 18 A So the ticket number is 1672151, and you'll see that under
- 19 the ticket number column to the right of Eric Allen's name.
- 20 Q Yup.
- 21 A And then the nine-and-a-half yards is also indicated on
- 22 the ticket and --
- 23 Q Oh, wait. Sorry. Are you on 58 or 57?
- 24 A I was on 57. Oh, I'm sorry. 58. You're right.
- 25 Q Okay. Sorry. Can we just reverse and start over again on

1 page 57?

2 A Yes, I'm sorry.

3 Q No, that's okay. I just want us all to be on the same
4 page.

5 A So 57 is ticket number 1672146.

6 Q Uh-huh.

7 A That's also in the ticket column to the right of Eric
8 Allen's name.

9 Q Okay. So the information here in the upper right-hand
10 corner of page 57, how does that appear on your spreadsheet, if
11 at all?

12 A So none of those times are written on the spreadsheet.
13 The ticketed time on the spreadsheet --

14 Q Uh-huh.

15 A -- is 3:36. That is the time that dispatch pressed the
16 print ticket button --

17 Q Okay.

18 A -- and sent it to the batch panel.

19 Q Uh-huh.

20 A The 3:50 on Eric that he wrote in -- handwritten, is the
21 time that he got loaded.

22 Q Got it. Okay.

23 A So there's sometimes a delay. In this case, he was
24 ticketed, and then he went and got color, and then he pulled
25 under the plant, so there was --

- 1 Q Uh-huh.
- 2 A -- a delay of fourteen minutes for that process.
- 3 Q Okay. And then I think here you have he returned -- the
- 4 spreadsheet says he returned at 4:57, and the handwritten one
- 5 says he returned at 5:00.
- 6 A Yes. So I wrote 4:57. That's GPS data. I would compare
- 7 it to what Eric wrote down. Generally, the drivers would round
- 8 up. Not all of them, but a lot of them would round up to the
- 9 nearest five minutes, so --
- 10 Q Uh-huh.
- 11 A -- 4:57, 5:00 -- I didn't -- they were close enough for me
- 12 that I just wrote down the data.
- 13 Q Sure. How'd the -- so the GPS data, how do you access
- 14 that?
- 15 A That's in our dispatch software.
- 16 Q Do you know what it's linked to?
- 17 A The --
- 18 Q Like, are there -- do you know if there's, like -- are
- 19 there individual --
- 20 A It's --
- 21 Q -- GPS trackers on the trucks or --
- 22 A It's linked to their tablet -- their tablet that has
- 23 Verizon. So just like your phone gives location data.
- 24 Q Got it.
- 25 A We would track that and -- it would help our dispatchers

1 know where the truck was. That was the primary use.

2 Q All right. So dispatch is tracking the tablets that are
3 presumably in the trucks --

4 A Yes.

5 Q -- right?

6 A Correct.

7 Q Okay. And then when you see the data, like, how do you
8 get the GPS data?

9 A I would only -- I would have to look for the data. I
10 mean, it wasn't a report that came to me. But I would go into
11 our dispatch software. I would open up an order -- so an order
12 screen would open. On that order screen there's a ticket --
13 a -- I can drill down into all the tickets --

14 Q Uh-huh.

15 A -- that were assigned to that order. So once I pull that
16 up, it's similar to the ticket report.

17 Q Okay.

18 A And it would have time data for load, leave plant, arrive
19 on job, leave job, and then right back at the plant.

20 Q Okay. So those categories are all sort of automatically
21 appear on whatever screen you dig down into?

22 A Yes.

23 Q Okay. You weren't, like, hovering your mouse over a route
24 or something --

25 A No.

1 Q -- to see what --

2 A No.

3 Q -- oh, got you.

4 A No, that's -- it's like a -- it's like a -- like a report

5 on the back of this --

6 Q Got it.

7 A -- page 103 or 104.

8 Q Uh-huh. Okay.

9 A It's similar to that.

10 Q Okay. So when did you go dig into all the GPS data for

11 the August 11th questions as part of your investigation?

12 A I would do that -- I did that when I pulled the ticket

13 report.

14 Q Can you remind me of when that was in relation to the --

15 A That was Monday --

16 Q -- morning of August 11th?

17 A -- August 14th.

18 Q Uh-huh.

19 A Yeah.

20 Q We're all going to have that date memorized, as you said.

21 A Yeah. I'm going to get that.

22 Q Okay. So then -- all right, thank you. So let's turn to

23 page 58, then. What does this correspond to on Eric Allen? It

24 says -- you know, I see the ticket number ending in 151, and in

25 the upper right-hand corner it says 5:25 and if you look really

1 closely it's next to leave plant.

2 A Yeah. So he -- we generated the ticket at 5:06. Between
3 5:06 and 5:25, he got color -- was loaded with concrete.
4 Washed down his truck. And then he indicated he left the plant
5 at 5:25.

6 Q Okay.

7 A He left the rest of it blank, however.

8 Q Yeah. So I've been reading a lot of these. How often
9 does that happen?

10 A More often than I would have liked.

11 Q Sure. Not uncommon?

12 A No, it wasn't uncommon.

13 Q Okay. Okay. So then, where did you get the information
14 in that third column? Or the third line under Eric Allen. The
15 23 -- the ticket ending 239.

16 A So 1672239 is on page 103.

17 Q Okay. So there was no -- so we don't have a load ticket.

18 A We don't.

19 Q Okay.

20 A And I went to look for that -- so I knew to look for it
21 because it was on this report. Eric was in the ready-to-load
22 line when the strike started, so the material was weighed out
23 in the plant, so we could not recall that ticket.

24 Q Uh-huh.

25 A But Eric never pulled under the plant, and he was never

1 loaded with that load of concrete. So he never got the copy of
2 the ticket. I don't know what happened to it. I don't know if
3 the batchman threw it away because it didn't get loaded, or
4 what happened to it.

5 Q And how do you know that he was parked in the truck --
6 parked in the ready-to-load line?

7 A We had --

8 Q How did you find that out?

9 A Well, dispatch told me, one. They could see that he
10 didn't get loaded. I also reviewed some security camera
11 footage, and you can see him parked at the --

12 Q Okay.

13 A -- front of the line.

14 Q So as the increasingly knowledgeable novice that I am on
15 concrete trucks, how can dispatch tell from their window that
16 Eric Allen is parked in the line? Or you reviewing the
17 security cameras? Like, how can you tell?

18 A So all the trucks have truck numbers on the front-left
19 fender.

20 Q Okay.

21 A And you can see that from the dispatch office in the
22 daytime. And so generally, that's how they would ticket. So
23 they would ticket trucks in line three or four back --

24 Q Uh-huh.

25 A -- and they would be reading the truck numbers on the

1 front-left fender of the truck. That's how they knew who was
2 in line behind him.

3 Q Okay. So who did you talk to in dispatch to get that
4 information about Eric being --

5 A Shawn Jagnow.

6 Q When, in relation to the August 11th strike, did you talk
7 to Shawn?

8 A That would have been one of the first things I found out.
9 Shawn would have told me that -- it would have been that
10 Friday. I don't know exactly what time.

11 Q Uh-huh. And how long -- did you go talk to Shawn in
12 person?

13 A Yes.

14 Q How long did your conversation with Shawn last?

15 A Well, we talked for quite a while about different things,
16 but specifically --

17 Q Okay.

18 A -- about Eric, maybe two or three minutes.

19 Q No, but your whole conversation about what was going on
20 August 11th. How did -- how long did that conversation last?

21 A Well, I talked to him several times. The initial
22 conversation probably lasted 15, 20 minutes.

23 Q Uh-huh.

24 A And then I talk to him several times a day, every day, so
25 I don't --

1 Q Sure. At what -- in which of those multiple conversations
2 did you talk to him about which drivers being -- or which
3 trucks being located in specific locations?

4 A When I first got there that morning, I probably talked to
5 him 15, 20 minutes. We knew who was under the plant, and he
6 knew who he had ticketed out front.

7 Q Okay.

8 A But then everybody was sort of overwhelmed when I got
9 there --

10 Q Uh-huh.

11 A -- so I just told him what information I needed and to let
12 me know when they had been able to, sort of, unravel everything
13 and pass it on to me. Most of that happened on Monday and
14 Tuesday of the next week.

15 Q Got it. So just to unpack that a little bit; he told you
16 which two trucks were under the plant?

17 A Yes.

18 Q Who did he tell you was under the plant?

19 A I -- I don't know. I mean, if it's not on these notes, I
20 don't remember.

21 Q Okay. And who did he tell you was in line? Just
22 whatever's reflected here or do you have an independent memory?

23 A I -- I don't remember. Whatever's reflected here.

24 Q Do you recall if he had any notes that he was looking at
25 or anything while he was telling you this information?

- 1 A No, he didn't.
- 2 Q He just seemed to remember it of the top of his head?
- 3 A Yeah. He was just telling me what he remembered.
- 4 Q Okay. What information did you ask him to gather?
- 5 A Mostly, I was interested in if they could determine which
- 6 loads had been delivered and which loads had not been
- 7 delivered. They were the ones that dispatch, Shawn -- not just
- 8 Shawn, but dispatch in general. Shawn, Jessica, Adam, were the
- 9 ones that determined which tickets to void based on what they
- 10 believed had been delivered and not delivered.
- 11 Q Okay. When was that determination made, if you know?
- 12 A Monday or Tuesday.
- 13 Q And were you involved in that decision at all?
- 14 A On which loads to void?
- 15 Q Uh-huh.
- 16 A I was not.
- 17 Q Do you know who decided that?
- 18 A It would have been Adam, Jessica, and Shawn.
- 19 Q And do you know what, if any, investigation they conducted
- 20 while determining which tickets to void?
- 21 A I'm thinking because of the word investigation.
- 22 Q Sure --
- 23 A If it's determined --
- 24 Q -- or do you know what actions they took? What actions
- 25 did they take, if investigation is not --

1 A Yeah. I mean --

2 Q What did they do in determining which tickets to void?

3 A I'm trying to think of a way to describe it. So you know,
4 Shawn and Jessica were the two main dispatchers. So they were
5 the ones actively dispatching that day. So they would know
6 which loads had been delivered and which had not. Maybe not
7 perfectly because usually a driver delivers a load, it comes
8 back empty, it's obviously delivered.

9 Q Yeah.

10 A So if they could identify that the truck had come back
11 empty, they would put it as delivered. If they knew that the
12 truck came back loaded, they would put it as not delivered and
13 void the truck.

14 Q And do you know how they knew?

15 A Most usually, it would be observation. But normally, the
16 truck pattern -- the trucks all came in the same way, so that
17 morning, everybody's coming back at once, it might have been
18 difficult to determine.

19 Q Does Adam still work for Glacier?

20 A He does not.

21 Q Okay. All right. Next questions on Tom Llanos on 61.

22 A Okay.

23 Q Are you there?

24 A Yup.

25 Q Okay. So looking at ticket ending in 155, where did you

1 get the information on the spreadsheet? Because the last thing
2 I see here is that he started to pour.

3 MR. PAYNE: Objection. Compound question.

4 Q BY MS. CHEREM: Okay. Where did you get the information
5 on the spreadsheet that is not visible on the ticket?

6 MR. LUNDGREN: Can you identify which column, somehow,
7 that you're talking about? Just so we --

8 MS. CHEREM: Sure.

9 MR. LUNDGREN: Or I guess we're all talking about. That's
10 probably more accurate.

11 MS. CHEREM: The delivered load and returned columns.

12 A So the delivered load and the return time both came
13 from -- well, delivered load came from the ticket report. So
14 dispatch had not voided that, so I took that to mean it was
15 delivered. And the time -- the return time was on the GPS data
16 from --

17 Q BY MS. CHEREM: Okay. So you're referring -- were you
18 referring to pages 103, 104, 105, when you were flipping back?

19 A Yes.

20 Q Okay.

21 A There's no return time on those, so I would have looked
22 that up in the order ticket history.

23 Q Okay. All right. So you said dispatch would have voided
24 those. Can you remind me how that appears on, like, 103?

25 A So --

1 Q If dispatch voided a ticket.

2 MR. PAYNE: Objection. Again, compound.

3 Q BY MS. CHEREM: How does it appear on here if dispatch
4 voided a ticket?

5 A The tickets in red are the tickets that dispatch voided,
6 that they did not believe were delivered.

7 Q Am I remembering correctly that you said you put them in
8 red?

9 A I put them in red based on -- so if you look over at mixed
10 units' column, you'll see zeros.

11 Q Uh-huh.

12 A That tells me that they were not delivered, they were
13 voided.

14 Q Got it. So --

15 A And then the blue ones actually have the plants as
16 recalls, so I could tell which ones are recalled and which ones
17 are voided.

18 Q The blue -- oh, okay. Got it. So just to clarify, you
19 knew that dispatch had voided certain tickets based off of the
20 fact that dispatch put zero in the mixed units' column? Or am
21 I not understanding correctly?

22 A No. When they void the ticket, it -- the dispatch
23 software automatically changes the volume to zero.

24 Q Got it.

25 A Because zero yards of concrete are being billed to the

1 customer.

2 Q Got it. So you can tell by looking at the zero, that
3 dispatch clicked void.

4 A Yes.

5 JUDGE WEDEKIND: Can you repeat that answer? I couldn't
6 hear it. Yes?

7 THE WITNESS: Yes.

8 JUDGE WEDEKIND: Okay.

9 Q BY MS. CHEREM: Okay. Okay. Page 66. So the ticket
10 ending in 207.

11 A Okay.

12 Q Your notes on the spreadsheet say that it was voided,
13 right?

14 A Correct.

15 Q And that they never left the yard?

16 A Yes.

17 Q Okay. If I look at the ticket, I see start pour 7:10 and
18 finish pour 7:20. Do you know -- can you explain the
19 difference between those?

20 A The never left yard was faulty GPS data. Voided --
21 dispatch told me that this load did not get delivered, and -- I
22 don't -- I don't remember seeing this -- I mean I -- I don't
23 know how to explain why he's got start pour and end pour on
24 his.

25 Q Okay. And who did you -- how did you find out that --

1 your note taking an empty truck and washed-out drum before
2 leaving? Do you know -- who did you talk to or how did you get
3 that -- excuse me. One question. How did you get that
4 information?

5 A All the notes -- all the notes in the notes' column came
6 from interviewing Dave Siemering or mechanics or the operators
7 or the QC technicians that were helping clean up the trucks at
8 the end of that day, August 11th.

9 Q When did you talk to Dave to look into this?

10 A That would have been Monday and Tuesday, the 13th and
11 14th.

12 Q And when you were talking to Dave, did he -- was he
13 looking at any documentation?

14 A No.

15 Q Did you take notes while you were talking to Dave?

16 A I don't remember taking notes. I remember talking to
17 several people and as soon as they would -- we would finish the
18 conversation, I would go back and update my notes on the
19 spreadsheet, so -- and I was doing that, like, right away. I
20 wasn't -- it wasn't an hour later.

21 Q Uh-huh.

22 A I talked to somebody and then I would go update my notes,
23 so --

24 Q Okay. And who in QC did you talk to?

25 A Diego Coco (phonetic throughout), Casey McWaters, and

1 Brandon. And I'm drawing a blank on Brandon's last name right
2 now.

3 Q Okay. So Diego Coco, what do you remember him telling
4 you?

5 A Diego is the manager. I don't remember him telling me a
6 whole -- I don't remember specifically what he told me.

7 Q Okay. And then Casey McWaters?

8 A Casey was help washing up trucks. He and Brandon, both,
9 told me that they saw Danny Resnick park his truck, but that
10 they had jumped into it right after he left. They told me a
11 couple other things. I don't specifically remember what each
12 person told me that went on this list, I'm sorry.

13 Q Okay. Not a problem. I'm just trying to see what you do
14 remember and if -- you just let me know what your memory is.
15 Was there another person you mentioned for QC? I thought there
16 was an additional person you mentioned.

17 A Diego, Brandon, and Casey.

18 Q Okay. So those three that --

19 A Yeah.

20 Q -- we just talked about. Okay. How about the laborers?
21 You said you talked to laborers? Who did you talk to?

22 A I don't remember their names. I'm not sure that they're
23 all there anymore either.

24 Q That's okay. About how many laborers would you estimate
25 you spoke with?

1 A One or two.

2 Q Do you remember what information you were given by those
3 one or two laborers?

4 A They were, for the most part, helping unload trucks in the
5 back. So they would tell me -- they would help identify who
6 brought back concrete and helped unload it. So they would help
7 me identify who helped -- which drivers took the loads back and
8 helped unload it.

9 Q And when you talked to the laborers, were they referring
10 to any notes?

11 A They were not.

12 Q And when in relation to the strike were you talking to
13 those laborers?

14 A Monday and Tuesday.

15 Q All right. Okay. So page 70. The second ticket for
16 Miles Mayer, ending in 237. Are you there?

17 A Yup.

18 Q Okay. How did you get the information on your notes that
19 he parked the truck running in the yard?

20 A I don't remember who specifically -- if it was Dave or one
21 of the QC guys would have told me that his truck was running
22 and empty in the yard.

23 Q At any point, did you ask Miles Mayer what he had done
24 with his truck?

25 A I did not.

1 Q Sorry. I'm trying to find the person on my list -- that's
2 on the list here. Oh. All right. Page 76, Christopher Rus.

3 A Okay.

4 Q 184. I see on the upper-right corner that he arrived at
5 the job. On your chart, it says that he delivered the load.
6 How do you know that?

7 A So he didn't write anything in the times, but --

8 Q Right.

9 A -- dispatch indicated that he had delivered the load and
10 come back empty.

11 Q And do you know what, if any, fact finding or figuring out
12 dispatch did in determining whether he delivered his load?

13 A I don't know if they talked to him or if he had called
14 them and said I'm completing job. I don't know. They -- they
15 were pretty confident that he was empty and returned empty.

16 Q Did you talk to him?

17 A I did not.

18 Q All right. Page 80, Steve Herrick. Let me know when
19 you're there.

20 A Let me find Steve.

21 Q Yeah, no problem.

22 A Okay.

23 Q Okay. So on the ticket on page 80, we have arrived job
24 and then a line, and then returning to the plant at 8:00. How
25 did you get the information on the chart? Let's start with

1 first the delivered load column. How did you get that
2 information?

3 A So I got delivered load both from his ticket and I believe
4 Adam Doyle told me that he had actually delivered that load in
5 our -- in my initial ticket report, it was showing as voided.

6 Q Is that -- can you show me where that shows up?

7 A Maybe.

8 Q I'm looking too.

9 A Page 104.

10 Q Okay. Okay. The third from bottom, does that look right?

11 A Yup.

12 Q Okay. So it shows up as voided on your report.

13 A Yes.

14 Q Okay. Then can you just repeat for me how you found out
15 that it was voided in error?

16 A Adam Doyle told me that that load had been delivered.

17 Q And do you know how he found that out?

18 A For certain -- for 100 percent? No. I think he talked to
19 the customer.

20 Q And do you -- 8:00 versus 8:17 seems like more than
21 rounding. Do you know why you have 8:17?

22 A I just went with the GPS data. I wasn't too terribly
23 concerned since he had delivered the load, and the strike had
24 started at that point, I wasn't --

25 Q Do you know -- do you recall when Adam Doyle told you that



1 he -- that Steve had delivered the load?

2 A That was Monday.

3 Q All right. Damon Sheff, page 83.

4 A Okay.

5 Q Can you remind me which plant Damon Sheff was based out
6 of?

7 A Kenmore.

8 Q Okay. All right.

9 MS. CHEREM: So the record will reflect that there is
10 nothing handwritten in the upper right-hand corner on page 83.

11 Q BY MS. CHEREM: So how did you get the information that he
12 delivered his load?

13 A Dispatch informed me that he had delivered his load. We
14 later found out that they had confused his load and Corwin's
15 load.

16 Q Okay.

17 A So Damon brought his load back. Corwin was the one that
18 delivered to the same job.

19 Q And who -- who figured this out?

20 A We figured that out after Corwin approached Robert, after
21 he received a warning letter. And we called the customer to
22 confirm that -- did we call the customer? The customer called
23 the sale -- the salesman got -- the concrete salesman got
24 involved.

25 Q Okay.



1 A And confirmed that.

2 Q Okay. So prior to issuing discipline, Damon Sheff showed
3 up as delivered load on your spreadsheet?

4 A Yes.

5 Q Okay. So I thought -- and maybe I'm misremembering --
6 that this Respondent's 8 was what you provided on, like,
7 Wednesday, August 16th, to the higher ups.

8 A Yes.

9 Q Okay. But you just told me that that additional
10 information didn't come until after August 28th.

11 A Correct.

12 Q So when you delivered R -- Respondent's 8 to your
13 superiors, it did not say left plant at 6:33, arrived on job at
14 6:51, returned to plant loaded, dumped load and parked?

15 MR. PAYNE: Objection, Your Honor. It does say that. I'm
16 not sure what employee we're talking about now?

17 MS. CHEREM: We're talking about the same guy. Damon
18 Sheff.

19 A Yeah. It did say that.

20 Q BY MS. CHEREM: So does that refresh your memory at all on
21 when you found out the information was wrong?

22 A No, I found out the information as wrong at that time.
23 I'm -- the notes -- the dump load and parked came from --
24 that's unfortunate. The dispatch did not void the ticket, so I
25 had delivered load in that section --

1 Q Uh-huh.

2 A -- but in talking to Robert, he identified Damon as one of
3 the guys that came back and dumped his load. That could --

4 Q And can you remind me when you talked to Robert?

5 A I talked to Robert on Monday morning, and I asked him to
6 help identify which trucks came back with loads.

7 Q Okay.

8 A And he wasn't sure when I initially talked to him, which
9 had.

10 Q Uh-huh.

11 A And I told him, well, when you approve payroll, make a
12 note on each driver's timesheet and email it to me and indicate
13 which drivers had come back with loads.

14 Q Okay.

15 MS. CHEREM: Do we have that email by any chance?

16 MR. PAYNE: I don't know.

17 A Yeah. I don't -- I don't remember seeing it.

18 MS. CHEREM: I believe it would arguably be covered by
19 subpoena, but I can move on.

20 Q BY MS. CHEREM: Okay. So then it did say -- it did have
21 these notes when you brought it to your superiors on Wednesday,
22 August 16th.

23 A Yes, it did.

24 Q Based off of your conversation --

25 A Yes.

1 Q -- with the Kenmore manager?

2 MR. PAYNE: Objection. Were these notes -- I want to make
3 sure what we're talking about.

4 MS. CHEREM: The ones for Damon Sheff that I -- that we
5 just discussed.

6 JUDGE WEDEKIND: The whole spreadsheet?

7 MS. CHEREM: No, the -- on the line for Damon Sheff, in
8 that -- like, the comment, where it says left plant at 6:33,
9 finishing with dump load and parked. That, like, line and a
10 half on -- to the column to the right of 7:30.

11 JUDGE WEDEKIND: No, I understand that. But I think what
12 you're saying is that what you provided -- your answer was you
13 provided the information on Wednesday.

14 THE WITNESS: Yes. So this version that I gave to Justin
15 Denison on Wednesday of August --

16 MS. CHEREM: Yeah.

17 THE WITNESS: -- 15th, 16th, had the information that
18 Damon had delivered his load, but in a note, says left plant,
19 arrived on job, returned to plant, dump load and parked.

20 MS. CHEREM: Okay.

21 MR. PAYNE: Excuse me, Your Honor. We're now at noon.
22 Are we close to the end of this segment on the cross?

23 MS. CHEREM: No, but we can take a break.

24 JUDGE WEDEKIND: So you have -- you want to go through
25 several more?

1 MS. CHEREM: Yeah.

2 JUDGE WEDEKIND: I don't mind just finishing it. Is there
3 a reason we can't just finish this section?

4 MS. CHEREM: Well, I'm happy to continue plowing through
5 until where my sticky notes end. And then at the point when I
6 need to do more, we can stop.

7 JUDGE WEDEKIND: Would you like to take a lunch break?

8 MR. PAYNE: I don't know what the sticky notes --

9 JUDGE WEDEKIND: I don't know how long it's going to go,
10 but --

11 MR. PAYNE: I mean --

12 JUDGE WEDEKIND: -- we're on the topic. We're still on
13 the same topic.

14 MR. PAYNE: Right. Yeah.

15 MS. CHEREM: I'm happy to continue going for a little bit
16 longer. I have one, two, three, four, five more load tickets
17 that I've already reviewed. There's still a few more after
18 that that I haven't, but I'll get to those after the lunch
19 break.

20 JUDGE WEDEKIND: Okay, that makes sense. Then we'll take
21 a lunch. Can I just ask one question before we do that?

22 So why didn't you try to correct the inconsistencies in
23 the column before you gave it to --

24 THE WITNESS: I overlooked them.

25 JUDGE WEDEKIND: -- Justin? Okay. All right.

1 MR. PAYNE: Are we taking a break?

2 JUDGE WEDEKIND: Okay.

3 MS. CHEREM: What was decided? I'm fine with --

4 JUDGE WEDEKIND: We're going to take lunch.

5 MS. CHEREM: Oh, okay. That's fine.

6 JUDGE WEDEKIND: All right. Let's take lunch. Off the
7 record. Come back around 1:05.

8 (Off the record at 12:05 p.m.)

9 JUDGE WEDEKIND: Counsel?

10 **RESUMED CROSS-EXAMINATION**

11 Q BY MS. CHEREM: All right. So we are resuming going
12 through Respondent's Exhibit 9, I believe, is the big packet.
13 The one that goes up to page, like, 105.

14 A Okay.

15 Q So I'm on page 84, looking at Corwin.

16 A Okay.

17 Q And can you find that on your spreadsheet -- the Corwin
18 line on your spreadsheet as well?

19 A Okay. Got it.

20 Q Got it. Okay. How did you get the information in your
21 notes, left plant at 6:29, arrived on job at 6:54, returned to
22 plant, loaded, dumped load, and parked?

23 A So left plant was a GPS. It was a little off from his
24 6:35 that Corwin wrote. Arrived on job was from the GPS.
25 Returned to plant and loaded came from Robert. Dumped load and

1 parked came from Robert Burens as well.

2 Q Okay. And when did you get that information from Robert
3 in relation to the strike?

4 A I think it was Tuesday -- Monday or Tuesday.

5 Q Okay. Okay. Flipping to page 89, Dan -- I don't know how
6 to pronounce his last name, so I'll leave that to you. If you
7 could find Dan's quote on line on the chart?

8 A Okay.

9 Q How did you get the information that he had delivered his
10 load?

11 A So a couple things. Dispatch believed he delivered load.
12 And then on his ticket, on the left-hand side, there's some
13 handwritten notes, 6, 15 and 00.

14 Q Um-hum. Yes.

15 A So he indicated that he had 6 and some when he arrived,
16 that he added 15 gallons to the full load, and that he added
17 zero gallons, you know, halfway through or two-thirds of the
18 way through unloading, and zero gallons with a third of it
19 left. So to me, that indicated that he had unloaded, even
20 though there were no times indicated on the right-hand side of
21 the ticket.

22 Q Got it. And when you said dispatch believed he delivered
23 his load, who in dispatch did you talk to about that?

24 A Well, I got that from the ticket report, so I didn't talk
25 to directly to anybody in dispatch. But they didn't void the

1 ticket. They kept it as --

2 Q Got it. So because they didn't void this ticket, your
3 understanding was that dispatch believed he delivered his load?

4 A Yes.

5 Q Where was he based out of?

6 A Dan was a Seattle driver.

7 Q Okay. Let's turn to 91, Ricardo.

8 A Okay.

9 Q Again, it says, delivered load and only through --
10 repetitive. But where did you get that information from?

11 A Again, dispatch did not void it, and Ricardo came back to
12 the plant just before I arrived. I didn't talk to him
13 directly, but Shawn told me he was in the back getting rid of
14 retain when I arrived. So Shawn Jagnow knew he had delivered
15 and was in the back getting rid of some retain or pump
16 blowback, as we call it in this case.

17 Q Can you explain to me the difference between pump blowback
18 and normal retain?

19 A Sure. So normal retain would be concrete that's not
20 delivered. Not -- how should I phrase this? So you reverse
21 the job. You discharge concrete. That's -- anything that's
22 left in the drum is retain. Pump blowback is you've discharged
23 the concrete into the back of a pump, and they've pumped it to
24 where they're going to place the concrete. When they've filled
25 their forms, you still have concrete left in the line of the

1 pump. So a lot of times, they will take that and below it back
2 into the back of the truck because they have nowhere to dispose
3 of it.

4 Q Oh.

5 A And so we will bring it back to the plant to dispose of it
6 for them.

7 Q So it's almost like a courtesy retain, if you will?

8 A Yeah. It's -- it's really unusable, and we just -- we
9 will -- sometimes we'll charge customers for that service.

10 Q Got it. Okay. So you got your information from Shawn?

11 A Shawn.

12 Q When did you get that information from Shawn?

13 A That was shortly after arrived, so that morning.

14 Q Okay. What do remember Shawn telling you?

15 A That was one of the things I talked to Shawn in that 15-,
16 20-minute conversation. He just told me that Ricardo had just
17 gotten back and was in the back with pump blowback -- back to
18 the yard with pump blowback.

19 Q Okay. Next, page 92. Sorry, I'm looking for the name.
20 Mark Shipley.

21 A Okay.

22 Q How -- how did you get the information that he returned at
23 7:16?

24 A That was from GPS information.

25 Q And where was Mark based out of?

1 A He was based out of Seattle.

2 Q Okay. And how did you get the information that he
3 returned to the plant loaded?

4 A I don't remember, specifically, who told me, but they said
5 that Mark had come into the yard and turned the truck over to
6 them. I don't know if it was Casey or Brandon or Dave
7 Siemering. I just -- I don't, specifically, remember who told
8 me that.

9 Q But someone told you that they had received the keys from
10 Mark?

11 A That he -- yeah. He had come into the yard loaded, and
12 turned over his keys to them.

13 Q And based off of that information -- so he gave over the
14 keys while his truck was still loaded; is that your
15 understanding?

16 MR. PAYNE: I'm going to object, Your Honor.

17 Q BY MS. CHEREM: Was that -- was that your understanding of
18 what had occurred?

19 MR. PAYNE: It's vague, and I think she's trying to
20 restate his testimony.

21 MS. CHEREM: I was just trying to make sure I understood.

22 JUDGE WEDEKIND: You want to start over, or --

23 MS. CHEREM: Yeah.

24 Q BY MS. CHEREM: Can you just re -- repeat again to make
25 sure I understood correctly what whoever you spoke to told you?

1 A Yes. I don't remember, specifically, who it was. But I
2 was told that Mark came back to the plant loaded and turned the
3 truck over to them -- the person I was talking to -- turned it
4 over to them to take care of.

5 Q Okay. Do you remember when, in relation to the strike,
6 you had the conversation with this person that you don't
7 recall?

8 A It would have been Monday or Tuesday.

9 Q Next, we have --

10 JUDGE WEDEKIND: I think -- just excuse me. I think he
11 initially testified he turned over his keys. Does that mean
12 you conclude he turned the truck off?

13 THE WITNESS: I don't think he did.

14 JUDGE WEDEKIND: Because it doesn't say that.

15 THE WITNESS: Yeah.

16 JUDGE WEDEKIND: Okay. Thanks.

17 Q BY MS. CHEREM: To ask a sort of, possibly, silly
18 question, is there a way to turn over your keys and not shut
19 off your truck?

20 A No.

21 JUDGE WEDEKIND: Does the drum stop turning if you shut
22 off the truck?

23 THE WITNESS: The drum will stop turning if you shut off
24 the truck. And I don't -- I don't know that that -- Mark
25 turned it over to somebody, so it's to personnel.

1 Q BY MS. CHEREM: All right. Next, on page 94, Daniel Bone.
2 If you could find that line? How did you get the information
3 on the far-right column? The left plant at 6:42 through turned
4 truck over to CalPortland personnel?

5 A The times, I got from GPS data. Turned over to truck
6 personnel or CalPortland personnel, again, it was one of the
7 people that I interviewed. I -- I don't know, specifically,
8 who it was. It would have been Dave or Chuck or Brandon or
9 Casey.

10 Q Did you talk to Daniel at any point about what he did with
11 his truck on the morning of August 11?

12 A I did not.

13 Q Oh, sorry. Page 95, Mike Sparrow. Let me know when you
14 find the corresponding line.

15 A Okay.

16 Q All right. How did you get the information left, loaded
17 truck, parked, and running in yard?

18 A I don't remember who told me that. It would've been one
19 of those four individuals, Dave, Chuck, Casey, or Brandon.

20 Q Okay. At any point, either -- at any point, did you talk
21 to Mike about what he did with his truck on the morning of
22 August 11th?

23 A I did not.

24 Q Okay. Page 97, Byron Baker.

25 A Okay.

1 Q Okay. Sorry. I'm just trying to see if there's any --
2 how did you get the never left yard information?

3 A I got that from GPS data and simply the -- yeah. It was
4 GPS data. Sorry.

5 Q And how did you the information left, loaded truck,
6 parked, and running in yard?

7 A It would have been one of those individuals that told me
8 that, Dave, Brandon, Casey, or Chuck.

9 Q And if you look at page 97 where it says mixer number 8304
10 is empty and clean?

11 A Yes.

12 Q Was that notation on this document at the time you were
13 reviewing it to prepare Respondent's 8, the chart?

14 A I don't remember specifically, but I'm assuming it was.

15 Q And what do you -- do you know who wrote it?

16 A It looks like Byron Baker wrote it.

17 Q And what do you understand that to mean?

18 A To me --

19 MR. PAYNE: Objection, calls for speculation. It speaks
20 for itself, whatever it means.

21 JUDGE WEDEKIND: Your question was what do you what?

22 MS. CHEREM: What is -- what is his understanding of what
23 that -- that notation means?

24 JUDGE WEDEKIND: Overruled. Do you know -- do have
25 that -- based on your experience what that would mean?

1 A It probably means that he emptied the truck and washed it
2 up.

3 Q BY MS. CHEREM: Okay. At any point, did you talk to Byron
4 Baker about what he did with his truck on the morning of August
5 11th?

6 A I did not.

7 Q Next, we have Bryan Schwartz, on page 98. Excuse me. All
8 right. How did you get the information that he -- Bryan left
9 his truck running and parked at the wash rack?

10 A I think -- I'm not sure if it was Dave or Chuck or Casey
11 or Brandon who gave me that information.

12 Q Did you ever talk to Bryan Schwartz about what he did with
13 his truck on the morning of August 11th?

14 A I did not.

15 Q All right. Page 101. Sorry, this is a little tricky to
16 read. I think it says Brian Wimmer very faintly in the driver
17 box, but you can correct me if I got that wrong. Is that
18 right?

19 A I don't know. I can't read it.

20 Q Okay. So let's see if we can see the ticket number,
21 anything else.

22 MS. CHEREM: Respondent, do you happen to have a better
23 copy of this?

24 MR. PAYNE: It's the only one we have.

25 MS. CHEREM: Oh, there we go. Super zoom.

1 A Okay, yeah. Brian Wimmer.

2 Q BY MS. CHEREM: Brian Wimmer. Okay. How -- how did you
3 get the information that -- that he boxed and slabbed his load
4 and then parked the truck?

5 A I don't remember if that came from the Snoqualmie batchman
6 or the Snoqualmie superintendent, but it was one of the
7 individuals in Snoqualmie.

8 Q And did you ever talk to Brian Wimmer about what he did
9 with his truck that morning?

10 A I did not.

11 Q And boxed and slabbed, does that mean an ecology block, or
12 is that something different?

13 A What I understand -- what I understood was that he put --
14 he filled any ecology block forms that were available first,
15 and then he slabbed the rest of it.

16 Q And slabbing the rest of it, what does that mean?

17 A Dumping it on the ground.

18 Q Okay. All right. Next, we have page 102, Daniel Resnick.
19 Let me know when you're ready.

20 A Okay.

21 Q How did you get the information that he was parked, and
22 turned off truck loaded in the yard?

23 A That was either Casey or Brandon because his truck was
24 found loaded and turned off in the yard, and Casey and Brandon
25 found it pretty quickly, within a minute or two, and turned it

1 back on and disposed of it.

2 Q What do you remember being told by Casey or Brandon?

3 A I asked them if there was -- let's see, how would I phrase
4 it? Somebody had told me that there was a second truck found.
5 And I asked Dave, Chuck, Casey, and Brandon if there was. And
6 Casey and Brandon said, yes, that they had found a second one,
7 and the driver had just been walking away as they approached.
8 So they didn't -- they didn't think it had been turned off more
9 than three or four minutes.

10 Q Okay. And you said you were talking about a second truck?

11 A Yes.

12 Q In the context of this conversation, was there discussion
13 of a first truck?

14 A Yes.

15 Q What was that?

16 A Ken Witham's truck was found parked full of concrete,
17 turned off.

18 Q And how did you get that information?

19 A Dave Siemering told me that.

20 Q Okay. And so I'm just trying to figure out, was this one
21 conversation with the first truck and the second truck or a
22 different conversation?

23 A No. It was different conversations. Dave told me that
24 they found one truck full of concrete turned off. Later, that
25 morning, somebody -- I don't remember who it was -- mentioned

1 that they might have found a second one. And I went to Casey
2 and Brandon because I knew that they were moving trucks around
3 and asked them if that was true. And they said, yes, they had
4 found Danny's truck turned off full of concrete. But they had
5 seen him walking away as they approached, so they didn't
6 believe that his truck had been turned off for very long.

7 Q Okay. Can you remind me who Casey and the other person
8 are?

9 A Casey and Brandon are quality control techs --

10 Q Thank you.

11 A -- for concrete.

12 Q Okay. All right. So -- so I have a question. So on page
13 2, the chart of who was working on Friday, I have that Dave
14 Boshart, driver 46, had a 5:50 start time.

15 A Okay.

16 Q He's also on your chart having delivered loads. I don't
17 see any load tickets for him in here. Did I miss it?

18 A No. We could not find it.

19 Q Okay.

20 A I specifically asked Dave after the strike was over if he
21 knew where it was. Actually, I asked him while we were moving
22 trucks if he had it.

23 Q Which Dave? Sorry.

24 A Dave Boshart.

25 Q Okay.

1 A I asked Dave -- David Boshart was on the picket line.

2 Q Right.

3 A I was helping move trucks back across the river. I asked
4 him if he had his ticket because I could not find it in his
5 truck. He said he would look for it. He never was able to
6 find it.

7 Q Okay.

8 A So I don't know where the heck that ticket went to.

9 Q Got it.

10 JUDGE WEDEKIND: You said you were helping to move trucks
11 across the river?

12 THE WITNESS: Yeah. So I don't know if you want me to
13 explain or --

14 JUDGE WEDEKIND: Well, yeah. You threw it out there. I
15 just -- I was --

16 MS. CHEREM: Yeah, go ahead.

17 JUDGE WEDEKIND: What's that about?

18 THE WITNESS: The day of the strike, we ended up with many
19 trucks in the yard. Western Cascade helped that Friday move a
20 few trucks back across. The employees -- the mechanics helped
21 move trucks across the river, but we still had a lot of trucks
22 left. And Western Cascade mechanics are a third party, so we
23 were paying them \$100 a trip. And we brought in two managers
24 from a different area that had CDLs. They would move the
25 trucks. I would take a pickup truck and pick them up on the

1 other side and bring them back to pick up more trucks to move
2 across the river. So a good portion of my Monday, Tuesday, and
3 Wednesday, probably half the day, was spent doing that.

4 Q BY MS. CHEREM: Okay. So this was the week after the
5 strike occurred, so the Monday, Tuesday, Wednesday after August
6 11th?

7 A Yeah.

8 Q The dates that we're going to memorize?

9 A Yes. August 14, 15, 16.

10 Q 14, 15, 16.

11 A Yeah.

12 Q Okay. How did you -- so for the Dave Boshart indication
13 on the chart, it says, delivered load. How did you get that
14 information?

15 A From dispatch.

16 Q That same chart or was it a separate --

17 A Yeah. It's the same chart, yeah. Same ticket report.

18 Q Did you have any other communication with dispatch about
19 Dave Boshart beyond what was populated on that chart?

20 A No, not specifically.

21 Q Okay. Moving on from load tickets to driver's daily
22 reports. So back to the -- okay. Before we dive into specific
23 reports, I have just sort of some general questions about this
24 document.

25 A Okay.

1 Q On a -- in August 2017, can you walk me through, like, if
2 I'm a driver, what I do with this driver's daily report on a
3 giv -- on a normal day? Page 3, I think, is the first --

4 A Okay. So I'll look at page 3 and 4 because some drivers
5 do it slightly differently.

6 Q Great. Thanks.

7 A So the way I prefer they do it was like Rich Boland
8 (phonetic throughout) which is page 4. He would have a 5:00
9 start time. Start loading, you see 5:00. And then on arrive
10 at plant, 5:15. So he spent 15 minutes -- he punched in at 5.
11 He spent 15 minutes doing a walkaround of his truck, making
12 sure that everything was safe for the road. From 5:15 to 5:25,
13 he wrote ATR (phonetic throughout). Rich Boland parked in the
14 area across the river on West Marginal. So across the river
15 meant he spent 10 minutes driving to the plant.

16 Q Got it.

17 A 5:25 to 5:30, WTL, wait to load. And then 5:30 -- and
18 this is where Eric Allen on page 3 starts -- they would have a
19 start loading time, a leave plant time, arrive at job, finish
20 pour, leave job, and arrive at plant time. And in explanation
21 would be the customer name.

22 Q Okay.

23 A And to the right, load size would be how many yards of
24 concrete that load was.

25 Q Okay.



1 A They would fill that out throughout the day. Most of
2 these were really pretty short because it was a shorter day.
3 But -- and that sort of midway down, you'll see totals. Most
4 of the drivers would fill in how many hours and minutes they
5 worked. Rich Boland indicated no lunch. That wasn't
6 applicable this day, but if a driver worked -- I don't remember
7 the minimum number of hours without a lunch, he got a premium.

8 Q Got it.

9 A Towards the bottom, you'll see location, Seattle. Date
10 worked, 8/11. Employee signature, their employee ID number,
11 and again, when they started their shift and when they punched
12 out of their shift.

13 Q Okay. So then, like, on page 3 with Eric Allen, there's
14 that additional red writing at the bottom -- in the bottom
15 right.

16 A Yes.

17 Q Do you know what that is?

18 A That are -- those payroll notes. So the person that is
19 going to process how many hours they get paid would sometimes
20 make notes. I don't specifically what the notes are for, but
21 they're payroll notes.

22 Q Got it. So that does not appear to be from the driver?

23 A No.

24 Q Sorry. I'm just looking for another example. Some of
25 these appear -- and I'm trying to find one. I'm sure I'll find

1 it in a second. See in the time stamp clock stamp on the
2 middle right side of the page?

3 A Um-huh.

4 Q Some of them appear to have, like, mechanical stamps and
5 then most of them appear to be blank. Can you just walk me
6 through how those time-in/time-out get filled in in the middle
7 right?

8 A On August 11th or August 2017, we used an electronic
9 clock-in and clock-out, but we still had a mechanical clock.

10 Q Okay.

11 A And some drivers would stamp and stamp out. It wasn't
12 required.

13 Q Um-hum.

14 A It was helpful at times if the electronic clock stopped
15 working.

16 Q And what was --

17 A Or the -- I'm sorry. Not -- yeah. The electronic clock
18 stopped working.

19 Q What was the electronic system? And I don't mean the name
20 of the system, but, like, how did it work?

21 MR. PAYNE: Your Honor, I'm going to object on relevance.

22 JUDGE WEDEKIND: You want to address that?

23 MS. CHEREM: Sure. I'm mostly just trying to figure out
24 the documents and understanding where they're getting their
25 time information. And I'm not planning on spending long on

1 this, I just --

2 JUDGE WEDEKIND: Okay. Overruled. Go ahead.

3 MS. CHEREM: -- would like to understand.

4 A They had like an RFID (phonetic throughout) card. And
5 they would just hold it up to a time clock, and it would
6 recognize their card and clock them in. And they would do the
7 same thing at the end of the day to clock out.

8 Q BY MS. CHEREM: Got it. So these documents that were the
9 daily -- driver's daily reports, were not necessarily what was
10 used for payroll?

11 A I would look at these and compare to what was clocked
12 electronically. So --

13 Q Got it.

14 A -- as long as they matched and were relatively close, I
15 would approve the payroll.

16 Q And the record reflects, like, a lot of these have partial
17 information on the driver's daily log. Was that -- how common
18 was that for them to be partially filled out?

19 A That's unusual.

20 Q Okay. And would you turn to page 5, Dave Boshart? Okay.
21 Can you explain to me what you unders -- what the numbers are
22 across the top? That first line.

23 A So he started loading at 5:50, arrived at plant at 6:05.

24 Q Okay. So --

25 A But the explanation says pre-trip, so he -- I'm sorry. He

1 didn't start loading at 5:50, he punched in at 5:50, spent 15
2 minutes checking his truck, and that's pre-trip.

3 Q Got it. Okay. And where it says job number on the right-
4 hand side, do you know what those mean?

5 A I probably should. Mark might laugh at me, but I don't.
6 But generally, you know, drivers would have 10-4, 10-10. It
7 refers to something that I -- I never really paid attention to
8 it --

9 Q Sure.

10 A -- so I didn't know what it meant or what it was used for.
11 I didn't use it, so.

12 Q Okay. Do we -- do you know what that second one is that
13 has nothing next to it besides the job number, which I read as
14 70, but --

15 A I don't.

16 Q Okay. All right. For Dan on page 10.

17 A Okay.

18 Q Sorry. Again, normally, are there -- is there more
19 information on here?

20 A Yes.

21 Q Okay. All right. Let's turn to 12 and 13. Do you have
22 any idea why Mark Hislop has two?

23 A I do not.

24 MR. PAYNE: I'm sorry, Your Honor. The question again was
25 any idea what?

1 MS. CHEREM: Why Mark Hislop has two driver's daily
2 reports?

3 MR. PAYNE: Oh.

4 JUDGE WEDEKIND: What page is that?

5 MS. CHEREM: That was --

6 THE WITNESS: 12 and 13.

7 JUDGE WEDEKIND: 13 -- 12 and 13?

8 MS. CHEREM: 12 and 13.

9 JUDGE WEDEKIND: Interrupt for a second. You said you had
10 three witnesses today yesterday. Are they all waiting in the
11 wings out there, all three of them? How much longer cross-
12 examination do you think you're going to have?

13 MS. CHEREM: I still have one more document to go through.
14 I'm happy to resume him at another time --

15 JUDGE WEDEKIND: No, no.

16 MS. CHEREM: -- since he's going to be here.

17 JUDGE WEDEKIND: I'm -- no. I'm just trying to figure out
18 so he can --

19 MR. LUNDGREN: May I respond to -- if I may, Your Honor?

20 JUDGE WEDEKIND: -- so I can decide what to do with these
21 witnesses.

22 MR. LUNDGREN: We have two witnesses waiting.

23 JUDGE WEDEKIND: Okay.

24 MR. LUNDGREN: The third one could not get off work; they
25 were short staffed.

1 JUDGE WEDEKIND: Okay.

2 MR. LUNDGREN: So he'd be tomorrow morning.

3 JUDGE WEDEKIND: So we have two.

4 MR. LUNDGREN: So we have two waiting.

5 JUDGE WEDEKIND: Okay.

6 MR. LUNDGREN: And hopefully we get them done today.

7 JUDGE WEDEKIND: You think you can do it? Okay.

8 MR. LUNDGREN: That's going to depend on the cross --

9 JUDGE WEDEKIND: I just want to check.

10 MR. LUNDGREN: -- but I'm not rushing anybody.

11 MS. CHEREM: No.

12 JUDGE WEDEKIND: No, no.

13 MS. CHEREM: So I was going to say, alternately, I'm --
14 since poor Brent is stuck with us --

15 JUDGE WEDEKIND: Yeah.

16 MS. CHEREM: -- I'm happy to interrupt to make sure that
17 those people don't have to come back tomorrow.

18 MR. LUNDGREN: I think --

19 MS. CHEREM: Just that --

20 MR. LUNDGREN: -- it makes sense to -- to finish Mr.
21 Nordyke now.

22 JUDGE WEDEKIND: All right. I just --

23 MR. LUNDGREN: And we'll work with it.

24 JUDGE WEDEKIND: Okay. My concern was only not to rush,
25 but just --

1 MR. LUNDGREN: Yeah.

2 JUDGE WEDEKIND: -- for --

3 MS. CHEREM: That's fine.

4 JUDGE WEDEKIND: -- the benefit of the witnesses.

5 MS. CHEREM: Yeah, yeah.

6 MR. PAYNE: It's all good.

7 MS. CHEREM: I -- I get it.

8 JUDGE WEDEKIND: Yeah, okay.

9 MR. BERGER: I'll just advise I also have cross-
10 examination if that affects --

11 JUDGE WEDEKIND: Yeah, I'm sure.

12 MR. BERGER: -- the decision.

13 JUDGE WEDEKIND: No, I understand. I expect that you
14 would.

15 MS. CHEREM: But again, because Brent is with us, and to
16 the extent scheduling, flexibility, since he's here, I'm happy
17 to pause getting at any moment you need me to.

18 JUDGE WEDEKIND: But Respondent has said they prefer to go
19 forward, so.

20 MS. CHEREM: Yep. No, I know. Just it's out there --

21 JUDGE WEDEKIND: Okay.

22 MS. CHEREM: -- if they change their mind at any point.

23 JUDGE WEDEKIND: That's fine.

24 Q BY MS. CHEREM: Okay. Bill Roark, page 27.

25 A Okay.

1 Q Do you -- what, if any, understanding do you have of
2 what -- that each row of numbers means? Can you walk me
3 through what you do understand for each row?

4 A Okay. So start loading at 5:45, arrive at plant at 6:10.
5 That is the time -- he punched in at 5:45. He didn't put an
6 explanation on it, but I've seen enough of these to know that
7 he did his pre-trip walk around and then he drove across the
8 river.

9 Q Okay.

10 A So it took him 25 minutes. He started loading at 6:15.
11 He left the plant at 6:25. He arrived on the job at 6:40.
12 This last tells me that he didn't pour out.

13 Q Okay.

14 A He left the job at 7:10. Arrived back at the plant at
15 7:30. He went to a GLY job site.

16 Q Um-hum.

17 A 7:30 to 7:45, I'm not sure what that's -- and probably
18 because I don't know what 40 and 60 mean. I --

19 Q Okay.

20 A -- don't know exactly what that -- those are.

21 Q Do you know if there is anywhere that CalPortland has like
22 a cheat sheet or other document that sets forth what the
23 number -- job number classifi -- coding is?

24 A There might be. I don't know.

25 Q Okay. Page 29, Bryan Schwartz.

- 1 A Okay.
- 2 Q What do you understand that row to mean?
- 3 A That he punched in at 6:10 and did a pre-trip until 6:25.
- 4 Q And normally, if a driver gets loaded, would they mark it
- 5 down here?
- 6 A Normally.
- 7 Q Andy Sullivan on page 32.
- 8 A Okay.
- 9 Q Sorry. I just lost my spot on the giant chart. I found a
- 10 different Sullivan. Oh, there we go. Okay. So Andy Sullivan
- 11 is more towards the top. Can you walk me through this driver
- 12 daily report?
- 13 A So Andy started at 4:50, and from 4:50 to 5:05 would be
- 14 his tri -- pre-trip inspection, inspected his truck. At 6:35
- 15 he left the plant with ticket number 1672207. He only
- 16 indicated by the -- the last four digits of that ticket number.
- 17 Q Got it.
- 18 A He left at 6:35. He arrived at the job at 6:50. He
- 19 finished the pour at 7:10. He delivered at ConCOVE with nine
- 20 yards of concrete. Came back, was loaded again. The ticket
- 21 number again is the last four-digit numbers -- or four digits
- 22 of a ticket number.
- 23 Q Um-hum.
- 24 A The plant 82 refers to 282. Just --
- 25 Q Okay.

1 A -- I missed that. Left the plant at 5:25. Arrived on the
2 job at 5:40. Finished the pour at 6:05.

3 Q Okay. So which one of these is the voided, never left
4 yard empty truck, and washed-out drum before leaving? Which of
5 these entries on the driver's daily report?

6 A Neither. He didn't write that down on these driver's
7 report.

8 MR. PAYNE: I'm sorry. I didn't hear your answer.

9 THE WITNESS: Neither. He didn't write that down on his
10 driver's report.

11 MR. PAYNE: Okay.

12 Q BY MS. CHEREM: So there was an additional load?

13 A Oh, I'm sorry. That would have been the top one.
14 Normally they write that the other way.

15 Q Okay. Can you explain to me what your understanding is
16 now that you've taken a minute to look at these documents?

17 A Well, normally they write their tickets -- the first
18 ticket at the top, the second ticket second, the third ticket
19 third. He wrote --

20 Q Okay.

21 A He wrote them in the opposite order.

22 Q Okay. So ticket 207 here he has noted that he left the
23 plant, arrived the job, and finished the pour. Do you know how
24 we wind up with ticket ending 207 as voided, never left yard?

25 A Dispatch told me that -- or the ticket report indicated

1 that that ticket had been voided and that he had not delivered
2 that load. I don't remember who told me that he emptied the
3 truck and washed out. So I don't know.

4 Q Okay. Did you talk to Andy Sullivan at any point about
5 it?

6 A I did not.

7 Q About what he did on August 11th?

8 A I'm sorry. No, I did not.

9 Q Okay. If we could turn to 40, Blaine Elledge just as a
10 sample of the mechanical time stamps.

11 MR. PAYNE: What's the page number?

12 MS. CHEREM: Page 40.

13 Q BY MS. CHEREM: Some of the ones that have time stamps or
14 something like this. So here it says time out, 11 August,
15 7.82. Can you explain that to me, because obviously 782 is not
16 a time?

17 A Yeah. So the mechanical clock divided the hour into one
18 hundredths.

19 Q Got it.

20 A Which was very frustrating for us doing payroll.

21 Q I can only imagine. There is comments that say left job
22 RB. Do you know who RB is or what RB is?

23 A That was the note left by Robert Burens to indicate to me
24 that Blaine left the job loaded.

25 Q So when you were testifying earlier about asking Robert to

1 mark down who had come back when he sent you the payroll
2 information, is this what you're referring to?

3 A Yes. This note is what I was referring to.

4 Q Okay. All right. So page 41, Jeff Harris.

5 A Okay.

6 Q So that's the same then, left job RB?

7 A Yes.

8 Q Okay. And also on -- can you translate the explanations
9 written in 41, like check and stretch?

10 A So from 5:20 to 5:35, Jeff was checking his truck, making
11 sure it was operating correctly. And many years ago, before I
12 became transportation manager, the company instituted a
13 stretching program.

14 Q Okay.

15 A So Jeff was indicating that he was still following that
16 stretching program.

17 Q All right. And can you remind me what WTL and CDK?

18 A WTL is weight to load. CDK was a customer.

19 Q Got it. And how about from the 7:30 to 7:50 end of day,
20 what does that mean to you?

21 A Normally that means that the driver is washing out his
22 truck and getting it ready to park for the day.

23 Q Okay. 43 Corwin. Same thing, left job RB?

24 A Yes.

25 Q So that was the plant manager letting you know that Corwin

1 had left the job?

2 A That's what I took that to mean, yes.

3 Q Okay. And under explanation CDK, and that's a customer?

4 A Yes, it is.

5 Q Okay. And so we have that he finished the pour at 8:15,
6 arrived back to the plant at 8:45. Do you know what the 8:55
7 to 9:00 row is af -- the one that's after the rinse
8 explanation?

9 A I'm not as sure. He might have been -- I -- I don't know.
10 I don't --

11 Q Okay.

12 A -- know these. I could speculate.

13 Q Okay. Don't want you to speculate. But -- but do you --
14 okay. Moving on.

15 JUDGE WEDEKIND: On that job, is -- is that your
16 handwriting or --

17 THE WITNESS: It's Robert Burens'.

18 JUDGE WEDEKIND: Burens. So he wrote it on there, okay.
19 Thank you.

20 Q BY MS. CHEREM: Same thing for 44, left job RB?

21 A Yes.

22 Q And are you able to read the name at the top? I think
23 it's Timothy something, but I'm not totally sure.

24 A That's Timothy Morey.

25 Q Okay. Thank you. Page 45 for Reinhart (phonetic

1 throughout). Can you explain? It sounds like he's on light
2 duty, and then we also have left job RB. Do you understand
3 that?

4 A He was on light duty, so I don't know why Robert wrote
5 that down.

6 Q Okay. Light duty means not driving a truck?

7 A Not driving a truck. I don't know what Robert had
8 assigned him to do that day, but he was not delivering
9 concrete.

10 Q Okay. 46, Chris Rus. Again, left job RB, a notation from
11 Robert?

12 A Yes.

13 Q Damon Sheff, again, same notation from Robert, page 47?

14 A Yes.

15 Q Okay. Left job RB. On page 50 under -- this is Brian
16 Wimmer. If we -- can we do the super zoom on the explanations?
17 I got wash with the last one. Are you -- do you -- are you
18 able to read or otherwise understand the first and third rows
19 under explanation?

20 A Yes.

21 Q Great. What does it say or mean?

22 A The explanation next to 6:30, PTI --

23 Q Oh, okay.

24 A -- pre-trip inspection.

25 Q Thank you.

1 A And then the explanation next to 7:20, I read that as
2 retain.

3 Q Retain, there you go. Thank you. So what is your
4 unders -- okay. So okay. Never mind. Okay. I'm done making
5 you look through documents. Thank you for bearing with me on
6 that. Told you I would go to lunch break in the middle. Okay.
7 So in your role as transportation manager up to and including
8 August 2017, how did you normally decide whether to issue
9 discipline?

10 A I'm sorry. Repeat the question.

11 Q Totally. In your role as transportation manager up to and
12 including August 2017, what, if anything, was your standard
13 process for deciding whether to issue discipline when problems
14 arose?

15 MR. PAYNE: I'm going to object. Vague.

16 JUDGE WEDEKIND: Well, I thought the second version was
17 better than the first.

18 MR. PAYNE: It was. It was but not enough.

19 JUDGE WEDEKIND: Do you understand the question?

20 THE WITNESS: It's a broad question so --

21 JUDGE WEDEKIND: Reprocess. Could you --

22 Q BY MS. CHEREM: Did you --

23 JUDGE WEDEKIND: -- rephrase it?

24 Q BY MS. CHEREM: Did -- up -- up to and including August
25 2017, did you have any sort of process for deciding whether you

1 should issue discipline in particular circumstances?

2 MR. PAYNE: Objection, again. Vague.

3 JUDGE WEDEKIND: What do you mean by process? Do you want
4 to know --

5 Q BY MS. CHEREM: What steps did you take in deciding
6 whether to issue discipline?

7 MR. PAYNE: Your Honor, excuse me, again. There's no
8 evidence that he issued these warning letters, and I don't
9 believe that there's much evidence on whether or not he's even
10 issued discipline.

11 MS. CHEREM: He did. He's testified he was responsible
12 for issuing discipline.

13 JUDGE WEDEKIND: Yes, he did. And I assume -- I assume
14 that you're trying to draw a distinction between what was
15 normally done and what was done with these letters, right? Is
16 that what you're --

17 MS. CHEREM: Yes, Your Honor.

18 JUDGE WEDEKIND: In order to show that they were not done
19 like they should have been, or properly, or --

20 MS. CHEREM: Um-hum, yes.

21 JUDGE WEDEKIND: -- thoroughly, or --

22 MS. CHEREM: That they deviated from their standard --

23 JUDGE WEDEKIND: Right.

24 MS. CHEREM: -- investigatory practices.

25 JUDGE WEDEKIND: I mean it's -- so --

1 MS. CHEREM: If it occurred. I'm waiting to hear the
2 answer.

3 JUDGE WEDEKIND: So I think, yeah, let's continue.

4 Did you have a certain number of steps -- steps that you
5 took in -- in a typical case before making a decision on
6 discipline?

7 THE WITNESS: I don't know that I had a certain number of
8 steps, but there -- yeah, I mean, there's things I did every --
9 every time. I --

10 Q BY MS. CHEREM: Well --

11 A I can try to explain.

12 Q Great.

13 JUDGE WEDEKIND: That's it.

14 Q BY MS. CHEREM: What were those things that you usually
15 did every time?

16 A So it depends on the incident, really. But I would try to
17 find out, basically, just what the facts were, what happened.
18 Depending on the incident I would either ask the driver if they
19 had any other information. In some instances it was pretty
20 plain -- clear what had happened, and I would call the driver
21 in. I would determine which work role I felt that they had
22 violated. I would write a letter of discipline with an
23 explanation of what work rule they violated and what I expected
24 their behavior to be. I would pretty much just sit down and
25 read the letter to them and then ask the driver, do you have

1 any -- is there anything you disagree with in this letter? In
2 some cases there would, in some cases there would not. If they
3 did have a comment, I would add that to the letter, and print
4 it out again so that their comments were on there.

5 Q Okay.

6 A And then I would issue them the letter.

7 Q Okay. It sounds like this was a face-to-face meeting?

8 A At the time that I issued the letter it was, yes.

9 Q Yes. Did you ev -- had you ever issued a discipline not
10 via face-to-face meeting?

11 A Yes. I typically only discipline the Seattle drivers.

12 Q Okay.

13 A However, there were a couple instances early in my tenure
14 as the transportation manager where I issued discipline to
15 drivers for not showing up for mat pours.

16 Q And where were they located?

17 A Snoqualmie and I don't know -- I don't remember Kenmore,
18 but I do remember Snoqualmie.

19 Q Okay. Had you ever done that for a Seattle driver?

20 A Yes. I hadn't done -- I'd always done it in person for --

21 Q So you had only done it --

22 A -- Seattle drivers --

23 Q -- in --

24 A -- but I had disciplined Seattle drivers for not showing
25 up for a mat pour.

1 Q Yeah. But so you -- but you would always discipline them
2 in person if they were based out of Seattle?

3 A Yes.

4 Q Okay. All right. So you mentioned that you talked to
5 Dave Siemering in preparing the -- the spreadsheet with --

6 A Yes.

7 Q -- what happened on August 11th. So I want to go back
8 through that again. On August -- when was the first time you
9 talked to Dave Siemering?

10 A August 11th.

11 Q When on August 11th?

12 A I don't remember the specific time. It would have been
13 mid-morning -- mid to late morning.

14 Q Okay. And what do you recall about the first conversation
15 with Dave?

16 A Dave told me that they had found a truck loaded and turned
17 off. That was the first conversation I had.

18 Q Okay. Any other details about that first conversation?

19 A That he didn't know which driver it was. He told me the
20 truck number.

21 Q Okay.

22 A And that it had been parked out by the ready-to-load line
23 by the back gate, or the incoming gate, or however we labeled
24 it.

25 Q Okay.

1 A Not where he would have expected a loaded truck to be
2 parked and that it had been there quite a while when he found
3 it. And he was -- he wanted me to know about it and to look
4 into it.

5 Q Okay. Anything else from that first conversation with
6 Dave that you recall?

7 A I asked Dave if he needed help. He said he thought he had
8 a plan, and that they were working on it, and that he didn't
9 need my help. I'm not a CDL driver so there's not a whole lot
10 I could have helped with, and that he was going to go back and
11 continue the cleanup process.

12 Q Okay. And correct me if I'm wrong. I think you mentioned
13 you had multiple conversations with Dave on August 11th?

14 A I had multiple conversations with Dave about that day, but
15 I --

16 Q Ah.

17 A -- I think they were Monday, Tuesday, and Wednesday.

18 Q Got it. Okay. What's the next conversation you remember
19 having with Dave about August 11th?

20 A I asked Dave if he -- I think the next conversation, do
21 you know, which drivers brought back concrete and do you know
22 which drivers unloaded themselves, or which drivers turned the
23 truck over to you?

24 Q And when was that conversation?

25 A That was Monday, I believe.

1 Q And what do you recall the response as being, if any?

2 A I don't specifically recall. I would have made notes on
3 that sheet, but I -- at this point, I don't remember.

4 Q And did Dave tell you whether or not he had taken notes?

5 MR. PAYNE: Sorry. Excuse me, Your Honor. I didn't hear
6 the question.

7 Q BY MS. CHEREM: Did Dave mention at any point whether or
8 not he had taken notes?

9 A He did not mention it.

10 Q Okay. Any other details you recall from your
11 conversations on that Monday with Dave?

12 A No, not specifically.

13 Q All right. When was the next conversation that you
14 remember having with Dave about August 11th?

15 A I'm trying to think. It all sort of blends together.

16 Q Sure.

17 A So I'm trying to differentiate. I think the next
18 conversation was about how much concrete was in the back,
19 and -- and it was going to take him a while to clean up, and I
20 asked him again if he -- if he remembered anything else from
21 the last time we talked.

22 Q Um-hum.

23 A I don't remember if he said anything new at that point.

24 Q Okay. Any other conversations that you recall having with
25 Dave before you finalized this list?

1 A I don't think so.

2 Q Okay. How about dispatch conversations? Which people in
3 dispatch do you recall talking to before you finalized this
4 list? Well, R-8 or 9.

5 MR. PAYNE: Objection. I didn't understand the question.
6 Before you finalized what?

7 MS. CHEREM: The list. And I just wanted --

8 MR. PAYNE: Oh.

9 MS. CHEREM: -- to clarify that it was Respondent's 8 or
10 the first page of 9.

11 A I talked to Adam Doyle and Shawn Jagnow primarily because
12 Adam was the dispatch coordinator talking to the customers, and
13 Shawn was the morning dispatcher that day, so he was the one
14 responsible for dispatching the Seattle drivers.

15 Q BY MS. CHEREM: How many conversations did you have with
16 Shawn in the prepara -- while preparing this -- the list?

17 A Several. I -- I -- I don't know if I could give you a
18 specific number.

19 Q About when were those conversations, if you recall?

20 A I had an initial conversation with him that Friday.

21 Q Okay. What do you recall that conversation -- about that
22 conversation?

23 A I tried ask -- well, I asked him, you know, who was under
24 the plants, who had just been loaded, who was in the ready-to-
25 load line? He was a bit overwhelmed so he didn't remember

1 specifically. I asked him, okay -- and I asked Adam the same
2 thing -- when you guys calm down, and settle down, and sort of
3 cleared the air, void the tickets you didn't think got
4 delivered, and tell me which ones did, and let me know when I
5 can run that report so that it's accurate.

6 Q And then once they calmed down, were you able to follow
7 up?

8 A Yeah. Adam told me that they had gone through the
9 tickets, and to their knowledge, they had figured out which
10 loads had been delivered and which not, and that particular
11 report was ready to be run.

12 Q Did Adam tell you at all what his process was for
13 determining which tickets should be voided?

14 A No, he didn't tell me specifically. I took that to -- you
15 know, my understanding was that dispatch was going to go
16 through the tickets and sort of figure out who -- which
17 customer got it. I -- I -- I didn't -- my impression was that
18 they called some of the customers and --

19 Q Do you know whether --

20 A -- had conversations with com -- customers.

21 Q Do you know whether they called all of the customers?

22 A I don't know.

23 Q Okay. Okay. On -- you said on Wednesday, August 16th,
24 you brought this list to Justin --

25 A Yes.

1 Q -- correct?

2 A Correct.

3 Q Okay. Did you bring it to Justin's office?

4 A Yeah. I had a printed version that was smaller than this,
5 but I brought it over to Justin's office.

6 Q All right. What conversation, if any, do you recall
7 having with Justin in his office?

8 A He had asked about -- so he is the one that asked me to
9 come up with the summary, and he had asked me how it was
10 coming. On Wednesday I brought it over and said, okay, this
11 is -- this -- to the best of my knowledge, this is what we've
12 got, and I walked through how I got the information, a little
13 similar to this, not in this depth. But -- and just, you know,
14 pointed out this is the information I've got, and this is the
15 spreadsheet I've got. And he said, okay. And then we walked
16 over to Melanie's office.

17 Q Okay. What was the conversation -- and how did the
18 conversation start in Melanie's office?

19 A It's essentially the same conversation. Just here's the
20 spreadsheet. Justin started with, this is the spreadsheet that
21 we -- we asked for, and explained this is where I got the
22 information, this is -- you know, to the best of my knowledge,
23 this is the summary I could come up with out of the chaos. And
24 at one point I -- I think I said, you know, this is -- they
25 asked me how certain I was. I'm fairly certain, but without --

1 I can't confirm some stuff without talking to the drivers, so.

2 Q Okay. So after you said you were fairly certain but you
3 couldn't confirm some stuff without talking to the drivers,
4 what else do you remember about that conversation?

5 A They said, okay, and thank you, and we'll take it from
6 here, and they ex -- excused me.

7 Q Okay. After giving them, Melanie and Justin, this list on
8 August 16th, what was your involvement in deciding whether to
9 issue discipline or conduct on August 11th?

10 A I didn't have any involvement.

11 Q Okay. Do you know who decided?

12 A I don't.

13 Q In your experience, prior to August of 2017 as
14 transportation manager, was Melanie usually involved in issuing
15 discipline?

16 MR. PAYNE: Objection. Vague. Usually involved. The
17 word usually and the word involved.

18 JUDGE WEDEKIND: Can you --

19 MS. CHEREM: Sure.

20 Q BY MS. CHEREM: Had Melanie ever issued a discipline to
21 drivers under your supervision prior to August of 2017?

22 A I don't remember. She had -- she wasn't there very long.
23 I -- I don't -- I don't know. I don't remember.

24 Q Okay. Do you know -- and you may not -- whether any
25 supervisors or managers talked to the drivers before discipline

1 was issued about August 11th?

2 A I don't. I don't know, I should --

3 Q Right.

4 A -- say.

5 Q Yeah. You -- you mentioned that you had conversations
6 with Danny Resnick and Ken Witham when you got back from
7 vacation?

8 A Yes.

9 Q All right. You said you got back from vacation on August
10 28th, right?

11 A Yes.

12 Q That was your first day back at work?

13 A Yes, it was.

14 Q And who did you talk to first?

15 A I -- I believe it was Ken Witham.

16 Q Okay. Did you convey your conversation with Ken Witham to
17 any -- to either Justin or Melanie?

18 A I relayed it to Justin.

19 Q Okay. Do you know whether or not you conveyed that
20 conversation before or after discipline was issued? And again,
21 you may not know.

22 A I don't know.

23 Q Okay. How about the conversation that you had with Danny
24 Resnick, did you convey that to either Justin or Melanie?

25 A I relayed it to Justin.



1 Q Did you relay that in the same conversation as the one
2 about Ken or a different one?

3 A The same.

4 Q And again, do you know whether that information -- whether
5 you gave that information to Justin before or after the
6 discipline's issued?

7 A I don't know.

8 Q Okay.

9 MS. CHEREM: I have nothing further at this time.

10 JUDGE WEDEKIND: All right. From the Union, any cross-
11 examination?

12 MR. BERGER: I do have some questions. Yeah.

13 JUDGE WEDEKIND: Let's go ahead.

14 **CROSS-EXAMINATION**

15 Q BY MR. BERGER: Good afternoon, Mr. Nordyke. Were you
16 aware of rumors of a strike -- potential strike by Local 174
17 members in July or August of 2017?

18 MR. PAYNE: I'm going to object to the form of the
19 question. Is he aware of rumors of 174 members talking strike?
20 Is that what the question was?

21 JUDGE WEDEKIND: Is that the question?

22 Q BY MR. BERGER: The question was, were you aware of rumors
23 that Local 174 drivers, employed by Glacier, might go on strike
24 in August 2017?

25 MR. PAYNE: I'm going to object again. Vague. Rumors.

1 JUDGE WEDEKIND: Well, the question's being asked many
2 times during the hearing. I assume you mean rumors before the
3 strike occurred in August -- sometime in August before the
4 strike occurred.

5 MR. BERGER: July or August.

6 JUDGE WEDEKIND: July or August. Can you answer the
7 question?

8 A Was I aware? I wasn't aware of any specific rumors. I
9 knew that the drivers had authorized a strike.

10 Q BY MR. BERGER: How were you --

11 A I --

12 Q -- aware of that?

13 A I think I saw it on the Teamsters' website.

14 Q Did you check the Teamsters' website periodically?

15 A Usually around contract negotiations because I'd learn
16 more from the website than I did from my supervisors.

17 Q And what -- the information you're referring to that
18 the -- I -- I think it's General Counsel 7. If I can find the
19 exact document.

20 MR. BERGER: May I approach?

21 JUDGE WEDEKIND: Yes.

22 Q BY MR. BERGER: I'm handing you what's been marked as
23 General Counsel 7. Just take a look at that and confirm if
24 that's the information you said you reviewed.

25 A Yeah, I believe I saw this some time that August before

1 the strike.

2 Q Did you discuss this post with any other managers of
3 Glacier?

4 A Not that I recall.

5 Q Did you read any news reports in the local media about a
6 potential strike by Local 174 drivers employed by Glacier?

7 A No.

8 Q In July or August of 2017, prior to the start of the
9 strike, had any of Glacier's customers inquired about the
10 possibility of a strike?

11 MR. PAYNE: Objection. Again, vague. And also inquired
12 of this individual, I assume.

13 JUDGE WEDEKIND: Okay. So let -- let's start with, has
14 any of them inquired of you about the possibility of a strike?
15 I don't think it's vague.

16 A Not -- not that I remember. I don't remember talking to a
17 customer about a potential strike.

18 Q BY MR. BERGER: Did you provide any instructions to other
19 managers about what to do in the event Glacier received
20 inquiries from customers about a potential strike?

21 A The general direction we gave Adam Doyle in the dispatch
22 office if anybody inquired was that negotiations were ongoing.

23 Q Did you ever provide a specific statement for managers to
24 issue to a customer?

25 A I didn't, no.

1 Q Are you familiar with an individual named Casey Dotson?

2 A Yes.

3 Q Who is that?

4 A He's a dispatcher down in Centralia. He handles the Yelm,
5 and Tumwater, and Selah's plants.

6 Q And are you familiar with an individual named Rob Castro?

7 A Yes.

8 Q Who is that?

9 A He was the dispatcher at the Bremerton and Poulsbo plants.

10 Q And I'm going to show --

11 MR. BERGER: May I approach?

12 JUDGE WEDEKIND: Yes.

13 Q BY MR. BERGER: I'm going to show you what's been marked
14 as General Counsel 24. Take a look at this document and let me
15 know if you recognize it.

16 A Okay.

17 Q And take a look at the next page as well.

18 A Okay.

19 Q Did you draft the attachment on the second page?

20 A I don't believe so.

21 Q Do you know who did?

22 A I don't know. I -- I'm sorry. I don't.

23 Q By August 4th, 2017, were you aware that Justin Denison
24 had overheard a rumor -- had overheard at the Union Hall, a --
25 a rumor of a disruption of a mat pour?

1 MR. PAYNE: I'm going to object. It's double hearsay.
2 And if he wants to ask the question then he's going to have to
3 reform it. And he has to put this person in a position to have
4 known and had conversations with Justin Denison about things
5 that were happening at the Union Hall.

6 MR. LUNDGREN: And relevance.

7 MR. PAYNE: Yeah. And relevance.

8 JUDGE WEDEKIND: So this witness has been here throughout
9 the hearing, right?

10 THE WITNESS: Yes.

11 JUDGE WEDEKIND: Okay. So do we already have testimony
12 about this Justin Denison overhearing something about the --

13 MR. BERGER: The underlying evidence --

14 JUDGE WEDEKIND: -- underlying evidence.

15 MR. BERGER: -- information is in evidence, correct.

16 JUDGE WEDEKIND: It is in evidence, okay.

17 MR. LUNDGREN: So Your Honor, if -- if I may. They didn't
18 strike a mat pour, and we had a stipulation yesterday that they
19 weren't going to inquire into the facts related to the State
20 Court lawsuit claim number 2 involving a mat pour. So why is
21 he asking this witness if Justin Denison heard something about
22 striking a mat pour, which never happened? It seems both
23 irrelevant. The only relevance would be the claim 2, and they
24 have agreed they're not going to go outside the State Court
25 record on that.

1 MR. BERGER: Untrue. This is relevant to the -- I mean,
2 as to the State Court action, the first set of claims, not the
3 second set of claims. But this relates to the -- the
4 commencement of the strike, not the end of it.

5 JUDGE WEDEKIND: But the -- okay. So the --

6 MR. LUNDGREN: The -- but you didn't strike the mat pour.

7 JUDGE WEDEKIND: -- the testimony -- evidence that we have
8 already was the -- apparently is that -- well, yes. There was
9 discussion apparently about disrupt -- well, doing -- doing the
10 strike during the August 12th mat pour. And that's --

11 MR. LUNDGREN: Correct.

12 JUDGE WEDEKIND: -- the conversation you're asking if he
13 had -- what was his question again?

14 Q BY MR. BERGER: Did -- did you speak to Justin
15 Denison about -- about the possibility of Teamsters 174 drivers
16 walking off during the August 12th scheduled mat pour?

17 JUDGE WEDEKIND: Okay. And before you answer that, so I
18 mean, there's -- there seems to be some obvious connection. I
19 think it's --

20 MR. LUNDGREN: I don't think it's relevant because --

21 JUDGE WEDEKIND: All right. I'm going to overrule the
22 relevance objection. Okay? Do you have any other objection?

23 MR. LUNDGREN: That's -- that's my objection, Your Honor.

24 JUDGE WEDEKIND: Okay. Overruled.

25 Q BY MR. BERGER: Did you speak to him about it?

1 A I don't remember speaking to him about it.

2 Q Did you independently hear that rumor?

3 A I did not.

4 Q Now, I'm going to show you what's been marked as General
5 Counsel 12.

6 MR. BERGER: If I can approach?

7 JUDGE WEDEKIND: Yes.

8 Q BY MR. BERGER: I want you to take a look at the top line.
9 You can see that your name is in the two lines, right?

10 A At the top one?

11 MR. PAYNE: Can I have just a moment, Your Honor?

12 JUDGE WEDEKIND: Do you want to go off the record?

13 Q BY MR. BERGER: Or excuse me, the front line.

14 JUDGE WEDEKIND: Sure. Hold on just a minute. Are you
15 trying to pull up something?

16 MR. PAYNE: Yeah.

17 JUDGE WEDEKIND: What document is this?

18 MR. BERGER: It's General Counsel 12.

19 JUDGE WEDEKIND: Okay. What was the question?

20 MR. BERGER: No. I -- I don't think a question --

21 JUDGE WEDEKIND: Oh, okay.

22 MR. BERGER: -- was pending.

23 Q BY MR. BERGER: But I'd ask that -- that you're -- do you
24 see where it says you're the sender?

25 A Yes.

1 Q Do you recall sending this email?

2 A Yes.

3 Q Okay. And you wrote "Dave heard that rumor as well." On
4 what basis did you write that?

5 A Justin sent this email to myself, Adam, Melanie, and
6 Scott. I think -- I don't remember if it was that day, or
7 earlier that week, or whatever, David said that he had heard
8 that rumor from a driver as well.

9 Q Did he identify the driver -- driver?

10 A He didn't tell me who it was.

11 Q Did you have any conversation with Justin Denison about
12 the specific dates the strike might begin?

13 A No.

14 Q Did you attend any meeting with other Glacier managers to
15 prepare for the possibility of a strike by Glacier drivers?

16 A I don't remember having meetings specifically about it.
17 We would have a monthly operations meeting, but I don't know if
18 that -- when that was in relation to when the strike started.

19 Q Okay. At any monthly operations meeting in -- prior to
20 the August 11th strike, do you recall a discussion concerning a
21 possible strike?

22 A Not specifically, no.

23 Q Well, when you say not specifically, do you recall any
24 more generalized discussion?

25 A The only conversations I remember having at operations

1 meetings about strikes -- and I don't know if it was specific
2 to this strike or it was specific to an earlier negotiation --
3 would be to have -- to -- and I don't know if Justin was
4 involved in these meetings. But my recollection is Doyle Davis
5 one time telling us -- during negotiations, telling the
6 operations managers to be prepared to get fencing if they
7 needed it.

8 Q Okay. And you said the name Doyle Davis?

9 A Doyle Davis was Justin's predecessor.

10 Q Okay. And remind me what position that was?

11 A General manager of ready-mix operations.

12 Q Okay. And Doyle Davis was -- was he employed by Glacier?

13 A He was in California during August of 2017. He was in a
14 different division of the company.

15 Q And in August 2017, Mr. Davis advised operations to get
16 fencing?

17 A No. At a previous operations meeting -- I couldn't tell
18 you when -- during contract negotiations for a previous
19 contract, I -- the only thing re -- recollection I ever have of
20 operations -- this subject coming up in operations meeting is
21 Doyle telling the managers to be prepared to get fencing in
22 the -- in the case of a strike.

23 Q Did you participate in any discussions with Mr. Denison or
24 other managers about obtaining fencing for the 2017 strike?

25 A I did not.

1 Q Who attends the month -- or did you say these operations
2 meetings are monthly?

3 A Yeah, these are monthly meetings that they have. I --
4 they had when I was a manager. I don't know if they're still
5 happening.

6 Q Okay. And who attends those?

7 A At the time, the plant superintendents for both concrete
8 and aggregate, the GMs for both concrete and aggregate,
9 sometimes the safety manager, the environmental manager. It
10 was just sort of a meeting where we would go around and what's
11 happening in the company this month?

12 Q Does anyone take notes during those meetings?

13 A Yes.

14 Q Is that standard required practice?

15 A I don't know if it's required, but it was standard
16 practice.

17 Q And who would take those notes?

18 A I don't know.

19 Q You didn't personally witness the start of this strike on
20 August 11th, correct?

21 A Correct.

22 Q Did you personally witness any of drivers returning their
23 trucks to the Seattle yard?

24 A I did not. I believe they were all back before I got to
25 work.

1 Q Okay. And you didn't witness -- you were not at the
2 Kenmore yard at all on August 11th, correct?

3 A I was not.

4 Q And I believe you testified it was Justin Denison who
5 directed you to com -- compile this spreadsheet that's
6 Respondent Exhibit 9; is that right?

7 A Yes.

8 Q Okay. When you received that directive from Justin --
9 MR. BERGER: Well, strike that.

10 Q BY MR. BERGER: Do you know if -- if it was at Justin's
11 instigation that the decision to create the list was made or if
12 it was at someone else's directive?

13 A I -- I don't know. Justin told me to do it, so.

14 Q Did he explain the purpose of putting the list together?

15 A What he told me is that he wanted me to try to summarize
16 the final disposition of each load that day.

17 Q Did he indicate to you that the discipline of drivers
18 might result from the list?

19 A He didn't.

20 Q Did you have --

21 MR. PAYNE: I'm sorry. What was the answer?

22 THE WITNESS: He did not.

23 MR. PAYNE: He did not.

24 Q BY MR. BERGER: Did you have an understanding yourself
25 that discipline might result?

1 A I did not, no.

2 Q I want to follow up about a question Ms. Cherem was asking
3 you related to Dave Boshart. So I think you testified that his
4 load ticket for August 11th was never recovered, correct?

5 A That's correct.

6 Q Okay. I want to take a look at page 1 of 3 of
7 Respondent's Exhibit --

8 MR. PAYNE: 9.

9 Q BY MR. BERGER: -- 9. So I believe if we compare the
10 entry for Mr. Boshart on the first -- on the spreadsheet -- on
11 that page, his ticket number is ending in 204, correct?

12 A Correct.

13 Q And that would be the last red entry on page 103; is that
14 right?

15 A That's correct.

16 Q Okay. And so the mix units is indicated as zero on the
17 pa -- on page 103, correct?

18 A Yes.

19 Q Do you have an understanding of the basis on which zero
20 was inputted on that spreadsheet in the absence of a load -- of
21 a load ticket?

22 A Dispatch believed that it wasn't delivered, so they voided
23 the ticket. So when they void the ticket, the yardage
24 automatically goes back to zero, for zero yards being charged
25 to the customer.

1 Q Okay. But do you -- did you speak to dispatchers to gain
2 an understanding of what information they relied on for that
3 to -- to make that determination?

4 A Not specifically, no.

5 Q And did the dispatchers tell you at the time that they
6 believed the -- the ticket had been voided when you conducted
7 your investigation?

8 A Well, they voided the ticket. I don't -- did they tell me
9 that they --

10 Q Or did you come -- you came to believe based on the
11 inve -- investigation you conducted that the dispatchers had
12 voided the ticket for Dave Boshart, correct?

13 A Yes. The ticket report showed that the ticket was voided.

14 Q Okay. So looking at the result column for Mr. Boshart, it
15 said delivered load. Can you explain why you put that in your
16 spreadsheet?

17 A Yes. I believe -- I don't know if it was Dave or Chuck
18 told me that he had delivered the load because he had come back
19 with, like, a yard or two of retain. So he had come back
20 with -- when he came back to the yard, he had far fewer yards
21 then what he had initially been batched with.

22 Q And --

23 MR. PAYNE: I'm sorry. When he came back in the yard,
24 what?

25 THE WITNESS: With far fewer yards than he had initially

1 been batched with.

2 MR. PAYNE: Thank you.

3 Q BY MR. BERGER: And you said it was Dave or Chuck who gave
4 you that information?

5 A Dave Siemering or Chuck Spiegel.

6 Q Okay. And do you recall when they gave you that
7 information?

8 A It would have been probably Monday, maybe Friday. I
9 don't -- I don't know.

10 Q Now, I want to ask about Andy Sullivan. So let's take a
11 look at page 66 of Respondent.

12 MR. PAYNE: Excuse me, Your Honor. We've been at this for
13 an hour and a half. Can we take a break?

14 JUDGE WEDEKIND: Sure. We'll take a five-minute break.

15 (Off the record at 2:37 p.m.)

16 **RESUMED CROSS-EXAMINATION**

17 Q BY MR. BERGER: So Mr. Nordyke, before I follow up again
18 about Respondent Exhibit 9, I do want to turn to General
19 Counsel 12 that I was asking you about before.

20 MR. BERGER: And if I can approach, I'll show you that
21 again.

22 Q BY MR. BERGER: I want you to take a look at the middle
23 email. That's from Justin Dennison, and I see you're on the to
24 line, correct?

25 A Yes.

1 Q Okay. Do you recall receiving that email?

2 A I don't recall it, but I clearly got it.

3 Q Okay. And you see at the last sentence of the email,
4 there -- Mr. Denison says,

5 "We need to discuss next week a plan if that was to happen
6 with regarding the possibility of Saturday mat pour being
7 targeted for walkout."

8 My question is did -- was there any follow up with
9 Mr. Denison about putting together that plan, at least that you
10 were involved with?

11 A Not that I remember.

12 Q Okay. Another follow up about my earlier line of
13 questioning, I think I asked you if you had any conversations
14 with Mr. Denison about specific dates a strike might occur, but
15 let me ask with respect to Mr. Siemering. Did you have any
16 conversations with him discussing which dates you or he
17 anticipated a strike might occur?

18 A I don't remember any conversations about it. I mean, I
19 just don't remember.

20 Q Okay. Same question with respect to Brian Sleeper. Did
21 you have any conversations with him?

22 A I did not. I didn't interact with Brian very often.

23 Q Okay. How about Melanie O'Regan?

24 A I didn't.

25 Q Okay. With any other coworkers, did you discuss what



1 dates, if any, the union might strike in August of 2017?

2 A I did not.

3 Q Okay. So let me now turn your attention to Respondent
4 Exhibit 9. We're going to look at Andy Sullivan's load ticket
5 on page 66. So is there anything -- do you have it in front of
6 you?

7 A I do.

8 Q Okay. Is there any information on the load ticket, as you
9 are reviewing it now, that would indicate this ticket was
10 voided?

11 A Not on the load ticket, no.

12 Q Okay. Was it the chart on page 103 that you were relying
13 on for that information?

14 A That it was voided?

15 Q Yeah.

16 A Yes.

17 Q Okay. And I think the ticket that this would be in
18 connection to is the last three digits were 207, correct?

19 A Yes.

20 Q Okay. And again, the determination that this was a voided
21 ticket, that was based on the inputting of a zero under the
22 mixed unit column on that spreadsheet, or on page 103; is that
23 right?

24 A Yes, sir.

25 Q Okay. Do you know on what basis the dispatchers put a

1 zero for Andy Sullivan for that ticket on that chart?

2 A I -- I don't know specifically.

3 Q Then you mentioned you had conversations with Danny
4 Resnick and Ken Witham about their trucks. Other than those
5 two, did you speak to any other drivers who are reflected on
6 the first page of the -- this column in this Exhibit 9?

7 A Specifically about what happened on August 11?

8 Q Correct.

9 A No, I did not.

10 Q Do you know if any other manager spoke to drivers before
11 issuing discipline?

12 A I don't know.

13 Q Did you listen to any recordings of audio in the driver
14 vehicles in the course of your investigation?

15 A For whether they -- I'm sorry.

16 Q I'm sorry. Anything having to do with your investigation
17 of the events of August 11th. Did you listen to truck
18 recordings?

19 A I did not.

20 Q Okay. Did you listen to any recordings of the dispatch
21 phone line for the same purpose?

22 A I did not.

23 Q Any recordings of any kind?

24 A No.

25 Q Since August 2017, has Melanie O'Regan been involved in

1 issuing discipline to the drivers?

2 A Yes.

3 Q How often does that happen?

4 MR. PAYNE: Objection. Vague. How often.

5 JUDGE WEDEKIND: Also, what is involved mean?

6 Q BY MR. BERGER: Is she responsible for issuing the
7 discipline herself in the case that you were thinking about?

8 A I don't know that she was the sole determiner, but that
9 was her sole decision.

10 Q Okay. So I don't think it's vague to ask what is the
11 nature of her involvement in those cases since 2017, if you
12 know.

13 MR. PAYNE: Objection. Foundation. Those cases.

14 MR. BERGER: My question is about since August 2017, what
15 types of -- what are the instances in which she's been
16 involved, in any capacity, in discipline. And now my question,
17 it sounds like there are some instances, so my question is in
18 what capacity?

19 JUDGE WEDEKIND: Your testimony was that she was involved.
20 Do you have personal knowledge of that?

21 THE WITNESS: I have personal knowledge of one instance
22 where she was a part of the discipline process.

23 JUDGE WEDEKIND: Start with that.

24 MR. BERGER: Okay.

25 Q BY MR. BERGER: Can you describe what her role in that

1 disciplinary process was?

2 A I don't -- I don't know specifically what her role was. I
3 could -- there was an instance where a driver was terminated.
4 In general, if a driver's being terminated, I would not be the
5 one making that determination. It would go above to higher
6 management. She was involved in one of those instances.

7 Q To your knowledge, has Ms. O'Regan been involved -- had
8 any -- have -- had any role since August 2017 in issuing
9 warning letters to drivers?

10 MR. PAYNE: Objection, Your Honor. Again, he's got no
11 foundation laid. We don't know when we're talking about here.
12 We don't know where. We don't know the event.

13 MR. BERGER: I said since August --

14 MR. PAYNE: There has to be some foundation. Melanie
15 O'Regan's going to testify, Your Honor.

16 MR. LUNDGREN: If I may, Your Honor, briefly. She has
17 already testified, and I think she was pretty clear she was at
18 the Duwamish plant in the western region for a very short
19 period of time. And so this anytime since 2017 is arguably
20 capturing LA and other places where she's actually -- so
21 there's -- that's a very confusing question with the timeframe,
22 and I don't think it's intentional.

23 JUDGE WEDEKIND: Right. And so that does highlight how
24 this could be very confusing. We don't know -- we better have
25 a more specific basis for his testimony, and also, the

1 timeframe.

2 MR. BERGER: Okay.

3 Q BY MR. BERGER: Do you have personal knowledge when Ms.
4 O'Regan -- what time period she was working at the Duwamish
5 facility?

6 A Yes. But I don't know if I could tell you the dates.

7 Q Okay. Do you know what year she stopped working there?

8 A It was 2018 to 2019.

9 Q Okay. So from August 2017 until her departure --

10 A Oh, I'm sorry. Did I say -- yeah. She was not there long
11 after the strike, so 2000 -- end of 2017.

12 Q Okay.

13 A I'm sorry.

14 Q Okay. From August 2017 until the end of her time at the
15 Duwamish facility, are you aware of any instances where she was
16 responsible for issuing warning letters to Local 174 drivers?

17 A I -- I don't know.

18 Q How do you know that she was involved in this one
19 personal -- this one instance where you have personal
20 knowledge?

21 A It was -- without getting into too many specifics, it was
22 sort of a major incident, and I did the investigation, and
23 Justin and Melanie, and I -- I don't know who all was involved
24 in making the determination that they were going to terminate
25 the driver for.

1 MR. PAYNE: I'm sorry. Your voice trailed off. I missed
2 the end.

3 THE WITNESS: Justin, Melanie, and I'm not sure who else
4 was involved in the determination to terminate the driver.

5 JUDGE WEDEKIND: How do you know they were involved in
6 making the determination?

7 THE WITNESS: I believe the termination letter had her
8 signature on it.

9 MR. BERGER: Your Honor, I didn't know if you had any
10 other --

11 JUDGE WEDEKIND: No.

12 Q BY MR. BERGER: Mr. Nordyke, I think you testified
13 yesterday during some voir dire about Respondent's Exhibit 9
14 that although this is the final version, you updated it several
15 times based on some corrections you made during the course of
16 your investigation; is that right?

17 A I made corrections Monday, Tuesday, Wednesday, the 14th,
18 15th, and 16th, as I was putting it together. After I handed
19 it to Justin, I didn't make any changes to it.

20 Q Okay. Do you recall what corrections you were making in
21 the -- prior to handing over that information? Prior to
22 handing over the final version of the document?

23 A Specifically, what I remember and what I don't remember?

24 Q Yeah. I'll make you a copy.

25 A Yeah. I -- Steve Herrick originally was put as voided.

1 Q When you say he was -- it was voided, was that based on a
2 zero in the mixed unit column on page 103?

3 A Yes. His ticket, on the ticket report, initially
4 indicated that it was voided, and thus, not delivered.

5 Q And how did you discover that error?

6 A I don't remember who told me. It was either Dave, Chuck,
7 Casey, or Brandon who told me that he had delivered the load.

8 MR. PAYNE: That he had what? I'm sorry.

9 THE WITNESS: Delivered the load.

10 Q BY MR. BERGER: Okay. Please continue if there are other
11 corrections you made.

12 A There were more, but I just don't remember specific ones.

13 Q Fair enough. Did you have any role in negotiating the
14 collective bargaining agreement that resulted following the end
15 of the 2017 strike?

16 A I did not.

17 Q Have you had any role in negotiating any other collective
18 bargaining agreements between the Local 174 and Glacier prior
19 to the 2017 contract?

20 A No, I have not.

21 Q Before your conversation with Mr. Doyle about the August
22 19th, 2017 mat pour, did you review the collective bargaining
23 agreement that had just been ratified to determine whether
24 drivers would be obligated to report to the job?

25 A I did not.

1 Q Did you review any other collective bargaining agreements
2 to make that determination?

3 A I relied on my knowledge of the previous agreement.

4 Q When you spoke to Mr. Doyle, did you instruct him to make
5 sure that all drivers would be assigned for the mat pour
6 received at least ten hours' notice of their start time?

7 A Don't think I specifically talked about ten hours.

8 Q Did you instruct Mr. Doyle to call drivers in reverse
9 seniority order?

10 A No.

11 Q Did you instruct him to call them in any particular order?

12 A I don't believe so.

13 Q To the best of your recollection, have you ever
14 participated in the scheduling of a mat pour where -- for
15 Glacier where the company assigned drivers the day before the
16 pour was set to occur?

17 A Yes.

18 Q Okay. When did that -- what was the other incident --
19 instance of that?

20 A I don't specifically remember. We assign drivers to work
21 for mat pours the Friday before mat pours. I mean, clarify
22 your question for me. What do you mean by assign?

23 Q Other than the August 19, 2017 mat pour, can you recall an
24 instance where the assignments, as in the callouts to drivers,
25 were made one day or shorter than the actual day that the pour

1 occurred?

2 A Yes.

3 Q Okay. When did those other instances occur?

4 A Most mat pours were done like that.

5 Q Most mat pours involved --

6 A I can't really think of any mat pour that wasn't done that
7 way.

8 Q Okay. So prior to the start of the strike, I think you
9 testified that the original scheduling that that mat pour that
10 ultimately was attempted for August 19th was originally
11 scheduled for August 12th, correct?

12 A Yes.

13 Q Okay. And the assignments for that August 12th date, when
14 were those first produced? The driver assignments?

15 A We didn't have a chance to produce them. We would have
16 produced them on August 11th.

17 Q Okay. And were drivers notified on the Thursday prior to
18 August 12th that a mat pour was going to occur?

19 A Yes, they were aware.

20 Q Okay. How were they made aware?

21 A I had a posting in the driver's room, and we had -- it was
22 part of the recording for the callout that the drivers called
23 in to get their start times that week. I don't know if it was
24 posted Monday, Tuesday, Wednesday, or all -- I mean, we
25 generally posted it every day of the week. But I don't

1 specifically know if it was done that -- every day that week.

2 Q Did you personally speak to any drivers on August 18th?

3 So that Friday about attending the mat pour?

4 A I did not.

5 Q Are you aware if any other Glacier managers spoke to

6 drivers about attending the mat pour?

7 A I don't know.

8 Q And leaving aside any contentions about whether Glacier

9 was required to do so, you agree that no one from -- no Glacier

10 managers actually apprized drivers of the August 19th mat pour

11 by Thursday, August 17th, correct?

12 A There was no mat pour scheduled for August 19th as of

13 August 17th. So no, nobody had notified the drivers.

14 Q And nothing in the collective bargaining unit for 2017 or

15 earlier addresses the impact of a strike on scheduling mat

16 pours or any other jobs, correct?

17 MR. PAYNE: Objection, Your Honor. The contract speaks

18 for itself. It's in evidence.

19 MR. BERGER: Well, in response, I think on direct,

20 Mr. Nordyke was asked a lot of questions about his

21 understanding of what the contract requires, and he just

22 allowed to answer.

23 MR. PAYNE: He was not asked questions about what the

24 contract required. He was asked questions about how the

25 contract was applied. This particular question goes to, what

1 does the contract say about strikes and mat pours. It's a
2 different question and a different line of questioning.

3 JUDGE WEDEKIND: And repeat for us exactly what you're
4 asking him about the contract.

5 MR. BERGER: I asked if there's anything in the contract,
6 to his knowledge, that addresses the effect on scheduling of a
7 strike -- scheduling a pour.

8 JUDGE WEDEKIND: Scheduling a pour. Anything in the
9 contract that affects the scheduling of pour?

10 MR. BERGER: Based on a strike.

11 JUDGE WEDEKIND: Based on a strike. What does that mean?

12 MR. PAYNE: Same thing, Your Honor. It's -- he's
13 asking --

14 JUDGE WEDEKIND: No, I hear your objection.

15 MR. PAYNE: Yeah.

16 JUDGE WEDEKIND: I'm trying to nail down what the question
17 is.

18 MR. BERGER: Maybe I'll make it more specific.

19 Q BY MR. BERGER: Does the -- does anything in the contract
20 address what happens with scheduling if a strike terminates on
21 a certain date? I guess I'm more focused on the termination of
22 the strike if it's --

23 MR. PAYNE: Same objection, Your Honor. He's asking how
24 the contract reads, and the contract speaks for itself.

25 JUDGE WEDEKIND: Okay. I'm going to overrule that

1 objection. You're free to address this on further examination.

2 But do you -- first of all, do you understand the
3 question?

4 THE WITNESS: Can you repeat whatever the final question
5 is? Go ahead with the final -- yeah. What version do I want
6 to answer, or do you want me to answer?

7 Q BY MR. BERGER: To your knowledge, does anything in the
8 contract address whether Glacier's obligations for scheduling
9 work depend on the termination of a strike?

10 A I guess my understanding is that if a union goes on
11 strike, the contract is suspended, null and void. I don't know
12 how to phrase it, but we're not -- they're not working.

13 JUDGE WEDEKIND: That's not the question. I think --

14 A When it comes back, I don't --

15 JUDGE WEDEKIND: -- hold on. So that's more of a legal
16 question. Your -- your -- I think he's asking is there any
17 provision in the contract that would govern how the company
18 schedules work at the end of a strike?

19 MR. BERGER: Yeah.

20 THE WITNESS: Not that I'm aware of.

21 JUDGE WEDEKIND: That's all.

22 Q BY MR. BERGER: And you'd agree Glacier didn't notify
23 drivers by 9 a.m. on Friday of their start times for the August
24 19th pour, correct?

25 A Yeah. I would agree with that.

1 Q Would you agree that not all drivers, in fact, received at
2 least ten hours' notice of their start time for the August 19th
3 pour?

4 A I --

5 MR. LUNDGREN: I didn't hear the question. I'm sorry.

6 Q BY MR. BERGER: Isn't it true that not all drivers
7 actually received ten hours' notice of their start time for the
8 August 19th mat pour?

9 A I don't know.

10 Q Did you or any other managers or dispatchers, to your
11 knowledge, post the callout list for the August 19th pour in
12 the driver's room?

13 JUDGE WEDEKIND: I'm sorry; repeat the question.

14 Q BY MR. BERGER: There is a callout list that lists
15 driver's start times, correct? That is normally posted in the
16 driver's room, right?

17 MR. LUNDGREN: Objection.

18 MR. PAYNE: Objection.

19 MR. LUNDGREN: Misstates the evidence. There's no such
20 thing as a callout list that states the driver's start times
21 that's posted in the driver's room, nor has there been any
22 testimony about that.

23 MR. BERGER: All right. I'm --

24 Q BY MR. BERGER: Is there anything that is normally posted
25 to the driver's room about upcoming projects?

1 A I would post Word documents that just describe we have X
2 mat pour on Y weekend coming up and Z mat pour on A weekend
3 coming up. There were no start times associated with that.

4 Q I see. Okay. And that document, did you post the
5 document specific to August 19th in the driver's room on August
6 18th?

7 A No.

8 Q And I think you described that there was a recording that
9 was posted to the dispatch line regarding the August 19th pour;
10 is that correct?

11 A No.

12 Q Okay. Was there anything -- any recording that was posted
13 regarding the mat pour?

14 A Okay. I take -- there were the start times for the mat
15 pour on August 19th were posted on the call-in call log or
16 callout that the drivers called into. That was posted by 5
17 p.m. on August 18th.

18 Q Okay. And do you know who actually made that recording?

19 A I believe that was Dirck Armitage.

20 Q Okay. And do you know what date was referenced -- that
21 Mr. Armitage referenced in that recording for the work?

22 A I don't.

23 Q There was some discussion about the Department of
24 Transportation regulations regarding required time off for
25 drivers. Do you remember --

1 A Yes.

2 Q -- that testimony? Have you personally reviewed any
3 Department of Transportation regulations regarding time off?

4 A The work -- rules of service, yes.

5 Q Okay. Are you aware of any provisions of the 2017
6 collective bargaining unit or any other collective bargaining
7 unit between Glacier and Local 174 that requires drivers to
8 call dispatch back to inform them if they're not going to do a
9 project -- work project?

10 A I don't know that there's anything in the contract that
11 requires that.

12 MR. BERGER: If you could give me one moment to confer. I
13 have nothing further.

14 JUDGE WEDEKIND: Okay. Any redirect?

15 MR. PAYNE: We do, Your Honor. But we have another
16 witness standing by, so we'd like to get him on the stand.

17 JUDGE WEDEKIND: Okay. Any problem with that?

18 MS. CHEREM: No. I don't have one.

19 JUDGE WEDEKIND: Okay. Take a break and bring in the
20 other witness.

21 MR. LUNDGREN: Sure.

22 JUDGE WEDEKIND: Let's go off the record for a minute.

23 (Off the record at 3:13 p.m.)

24 JUDGE WEDEKIND: All right. So Respondent, do you want to
25 call your next witness?

1 MR. LUNDGREN: Respondent calls Adam Doyle.

2 JUDGE WEDEKIND: All right. Mr. Doyle, if you would help
3 us out just spell your last name, please.

4 MR. DOYLE: It's D-O-Y-L-E.

5 JUDGE WEDEKIND: Thank you. Raise your right hand, I'll
6 swear you in.

7 Whereupon,

8 **ADAM DOYLE**

9 having been duly sworn, was called as a witness herein and was
10 examined and testified as follows:

11 JUDGE WEDEKIND: Thank you very much.

12 **DIRECT EXAMINATION**

13 Q BY MR. LUNDGREN: Good afternoon, Mr. Doyle.

14 A Good afternoon.

15 Q Can you tell us where you are currently employed?

16 A Yeah. I'm currently employed Traffic Management
17 Incorporated, located in Auburn, Washington.

18 Q And what is your current title?

19 A I'm an area sales manager.

20 Q And before your work with Traffic Management, where did
21 you work?

22 A I worked for Command Alkon Incorporated.

23 Q And what did you do at Alkon?

24 A I sold software into building materials industries.

25 Q And what industry is the -- is traffic management in?



1 A They specialize in engineer traffic plans, traffic
2 control, signs, things of that nature.

3 Q Before Alkon where did you work?

4 A I worked at Glacier Northwest, which was doing business as
5 CalPortland.

6 Q What was your title at Glacier Northwest?

7 A For the last two years, my title was area -- it was a
8 sales -- ready-mix sales salesperson. Excuse me. And before
9 that, I was the dispatch coordinator.

10 Q How long did you work for Glacier?

11 A Approximately four years.

12 Q Do you recall the time range roughly at least?

13 A I started in December of 2016, and I believe I ended my
14 time that in March of 2021.

15 Q And when were you a dispatch coordinator at Glacier?

16 A From December 2016 until October 2018.

17 Q What did you do before you worked for Glacier?

18 A I worked for a fastener company called Bossard American --
19 Bossard North America. We supplied fasteners into the auto
20 industry. Specifically, I was an account manager with a Tesla
21 account in Fremont, California.

22 Q And prior to that job what did you do?

23 A I worked for --

24 MS. CHEREM: Objection. Relevance.

25 JUDGE WEDEKIND: Overruled.

1 Go ahead.

2 A I worked for Cemex, which is a ready-mix company in the
3 Bay area for approximately two-and-a-half years as a dispatch
4 supervisor.

5 Q BY MR. BERGER: And how many years do have in total
6 working in the ready-mix industry?

7 A I would say approximately seven years either directly
8 working for a ready-mix company or selling software into the
9 industry.

10 Q Okay. I'm going to ask you questions about the King
11 County Seattle dispatch in August 2017 at Glacier. What were
12 your dispatch coordinator duties in August of 2017?

13 A So my duty was to review the scheduling. Also, do
14 progressive disciplinary, set policies within the dispatch
15 office as related to our dispatch team, monitor calls for
16 customer service, and help resolve customer issues with
17 scheduling, among other duties.

18 Q And when you said, progressive discipline, progressive
19 discipline over whom?

20 A Specifically, the people who worked in my office, which
21 would be the dispatchers or the customer service
22 representatives answering the phone.

23 Q Anybody else?

24 A No, sir.

25 Q Who were your direct reports in August of 2017?

1 A It was David Hayes, Dirck Armitage, Jessica Barkie, Shawn
2 Jagnow, Andrea Moore (phonetic throughout), and I don't recall
3 if Ryan (phonetic throughout) O'Regan was working there at the
4 time or not.

5 Q And who did -- who did those dispatchers dispatch?

6 A The dispatchers dispatched the Tacoma, Dupont areas and
7 also King County areas, which would include Snoqualmie,
8 Kenmore, and our Duwamish plant in Seattle.

9 Q And in those regions what workers did they dispatch?

10 A They dispatched the drivers for the -- for the ready-mix
11 trucks.

12 Q And if you know, what Union, if any, represented the --
13 the ready-mix drivers in that Seattle market in 2017?

14 A I believe it was Teamsters Local 174.

15 Q And what about the southern market? Do you know what
16 Union represented those drivers?

17 A I don't recall.

18 Q The dispatchers who worked under your supervision, what
19 were their duties in August 2017?

20 A Their duties were to schedule drivers for the next day's
21 deliveries, give their work assignments to dispatch our -- our
22 trucks to job sites for customers that ordered concrete.

23 Q Where was your office located in August 2017?

24 A My office was located at the plant -- the Duwamish plant
25 on East Marginal Way.

1 MR. PAYNE: And Ross, could you put up Respondent's, I
2 believe it's Exhibit 3? It's a photo.

3 Q BY MR. PAYNE: You can get up if you need to, Mr. Doyle.
4 In fact, would you please just point to the building that your
5 office was in in.

6 JUDGE WEDEKIND: You can use the ruler there. Watch your
7 step.

8 Q BY MR. PAYNE: And for the record, you're referencing the
9 building that has a yellow D?

10 A That's correct.

11 Q In Respondent Exhibit 3. Okay. In August 2017, what
12 typical shift did you work?

13 A Oh, I would come in anywhere between, I don't know, 7:00
14 and 8:00 in the morning depending on the workload and depending
15 on our staffing availability that day -- for those days.

16 Q And I guess you identified where your office was. What --
17 what building did the dispatchers who worked under you dispatch
18 out of?

19 A The same office.

20 Q And when you say same office, you mean the same room or
21 same building?

22 A The same -- both. In the same building and also in the
23 same room.

24 Q So when the dispatchers who worked under you were
25 dispatching, how close in proximity would you be to that

1 activity during the normal course of your duties?

2 A I would say approximately anywhere from three to four feet
3 from the dispatchers.

4 Q What visibility was there, if any, from the dispatch
5 office in August 2017?

6 A From the dispatch office you could see out to the -- you
7 could see where the trucks were lining up and also under the
8 plant where the trucks were getting loaded. And by lining up
9 there was an entrance to the plant where the trucks would stage
10 before they get ticketed to be loaded.

11 Q What about the outbound portion of the yard? Do you know
12 what I'm talking about? Where the mixer trucks leave?

13 A Yeah, there was a separate break room where if you walked
14 back there you could see, but it wasn't -- it wasn't visible
15 from the office as you were performing your daily duties.

16 Q What was the primary means of contact between dispatchers
17 and drivers in August 2017?

18 A Two-way radio.

19 Q Do you know approximately how many drivers in total
20 Seattle dispatch would be handling on a given day?

21 A Approximately 80.

22 Q With respect to the radio, if you know, how were channels
23 assigned to different groups of drivers, if -- if they were at
24 all?

25 A Yeah, so the King County drivers would be on one channel



1 and then the southern market would be on another. They would
2 have their own independent channel. If we -- that's -- that's
3 how they're set up.

4 Q Okay. And so let's focus on the King County drivers. Who
5 would be able to hear the communications over the channel used
6 for the King County drivers?

7 A Any driver who was on that channel driving in King County
8 and any communication back into the office, anyone within
9 earshot of that radio could hear it.

10 Q When you say the office?

11 A The dispatch office, specifically.

12 Q How, if it all, would the drivers use the radio to
13 communicate amongst or between one another in August 2017?

14 A They -- they would use the same radio.

15 Q And if drivers were talking between one another over that
16 radio in August 2017, who could hear those communications?

17 A The dispatch office and any driver assigned to that
18 channel.

19 Q How frequently did dispatchers communicate with drivers
20 over the radio in August 2017?

21 A Very frequently.

22 Q And how frequently did drivers communicate with one
23 another over the radio in August 2017?

24 A It was frequent, but it's not as frequently as the
25 dispatchers would you communicate with the drivers.

1 Q And you mentioned customers as part of the duties. How
2 would dispatch talk to customers in August 2017?

3 A They would talk to customers over the telephone.

4 Q What about the batch plant in Duwamish? How would the
5 dispatch communicate with the batch plant at the Duwamish
6 plant?

7 A We would either pick up the phone and call their extension
8 or walk across the hallway to talk to them. They worked just
9 adjacent to our room.

10 Q There has been testimony about a King County Teamsters
11 strike that started on August 11, 2017. Where were you on
12 August 11, 2017?

13 A I was working at our Duwamish plant in the dispatch office
14 at the Seattle location.

15 Q Do you recall approximately what time you got into work
16 that morning?

17 A I want to say it was sometime before 7:00, around 6:30,
18 6:45.

19 Q And who did you report to in August 2017?

20 A Well, on paper I reported to Brent Nordyke but I answered
21 to Justin Denison directly.

22 Q And what duties were you performing the morning of August
23 11, 2017?

24 A My just typical daily duties of reviewing schedules,
25 handling customer issues.

1 Q Do you remember who else was dispatching that morning?

2 A Yeah, Jessica Barkie and Sean Jagnow.

3 Q At any time prior to the strike, what knowledge did you
4 have about which of the five King County concrete companies
5 would be struck by the Teamsters?

6 A I didn't have any specific knowledge that anyone company
7 would be struck or not.

8 Q At any time prior to the strike, what knowledge did you
9 have about when the strike would start, if at all?

10 A I had no knowledge of -- of when the strike would start.

11 Q What strike preparations did Glacier take, if any, before
12 the strike started?

13 A I don't really recall.

14 Q What equipment did Glacier acquire, if any?

15 A I don't recall.

16 Q At the Duwamish plant, how many trucks could you load at
17 the same time?

18 A There was two plants at that facility. So you could load
19 one truck under each plant.

20 Q Once a mixer truck pulls under the batch plant, do you
21 know approximately how long it takes to -- to load the mixer
22 truck?

23 A I would say anywhere between 3 to 5 minutes depending on
24 the particular mix design.

25 Q To your knowledge, how many Glacier mixer drivers honored



1 the strike in 2017 by not coming to work?

2 A To my knowledge all of them.

3 Q How do mixer drivers get their assignment on where to
4 deliver that concrete in 2017?

5 A They get it from the ticket that's printed for their --
6 for their delivery. And that has the instructions. They also
7 have a tablet in the truck which will give them directions.

8 Q And once the concrete is batched and the ticket issued,
9 what is supposed to happen?

10 A Typically, the driver will inspect the load to make sure
11 it's good to be delivered and then proceed to deliver the load
12 of concrete.

13 Q And who is responsible for delivering the batch concrete?

14 A The driver of the truck.

15 Q And when the batch ticket is issued and the concrete
16 loaded, where is the driver authorized to take the load of
17 concrete?

18 A To that delivery address.

19 Q Is the driver authorized to take that concrete other
20 places?

21 A No.

22 Q During that delivery process, who is responsible for
23 monitoring the batch concrete in the mixer truck?

24 A The driver is.

25 Q And who's responsible for making sure the concrete



1 ultimately is delivered to the customer?

2 A The driver is.

3 Q Who's responsible for making sure the concrete doesn't
4 harden in the mixer truck?

5 A The driver is.

6 Q When drivers are loaded with batch concrete, are they
7 supposed to abandon the concrete in the Duwamish yard?

8 MS. CHEREM: Objection.

9 MR. BERGER: Objection, lack of foundation. There's no
10 evidence that this witness has any supervisory role over the
11 drivers.

12 JUDGE WEDEKIND: Okay, two things. I agree, in general.
13 Lay little more foundation for some of these questions --

14 MR. PAYNE: Sure.

15 JUDGE WEDEKIND: That you're asking about what drivers are
16 authorized to do.

17 MR. LUNDGREN: Sure.

18 JUDGE WEDEKIND: He's a dispatch coordinator.

19 MR. LUNDGREN: Right.

20 JUDGE WEDEKIND: The other thing is, whether or not you
21 believe that the drivers just abandoned the trucks, I think a
22 little more definition of that would be helpful.

23 MR. LUNDGREN: Sure.

24 JUDGE WEDEKIND: Okay.

25 Q BY MR. LUNDGREN: Let me ask it this way. In your job is

1 dispatch coordinator, do you have -- did you have occasion to
2 observe the drivers engage in their daily activities?

3 A I did.

4 Q And did you have knowledge of the drivers' duty with
5 respect to delivering batch concrete?

6 A Of course.

7 Q And would it be a typical event for a driver to
8 abandon to --

9 MR. LUNDGREN: I'll strike the word abandon.

10 Q BY MR. LUNDGREN: -- to walk away from a fully loaded
11 mixer truck and clock out?

12 A No.

13 MR. BERGER: Objection. Leading.

14 MS. CHEREM: Agree.

15 JUDGE WEDEKIND: Overruled.

16 MR. LUNDGREN: All right.

17 JUDGE WEDEKIND: Move on.

18 Q BY MR. LUNDGREN: Setting aside August 2017, how many
19 times have you seen a driver clock out and leave a fully loaded
20 mixer truck in the Duwamish yard?

21 A In my experience in the ready-mix business, never.

22 Q In your seven years in the ready-mix industry have you
23 ever heard of that happening?

24 A No.

25 Q In the course of your duties do you have an understanding

1 of who has responsibility for unloading left over concrete
2 after delivery of batch concrete?

3 A I'm sorry. Can you repeat the question?

4 Q Sure. In your experience as a dispatch coordinator at
5 Glacier, do you have an understanding of who is responsible for
6 unloading left over concrete after the delivery of the
7 concrete --

8 A Yes, the driver.

9 Q And how do you have that understanding?

10 A Because we would -- the driver would call into dispatch
11 and let us know if they had retain, which is what we called
12 left over concrete, on board and that they needed to wash their
13 trucks before receiving another job assignment to load.

14 Q What about washing out? In the course of your duties do
15 you have an understanding of who's responsible for washing out
16 the mixer truck after delivery has been completed?

17 A I do.

18 Q And what is that understanding?

19 A My understanding is the driver is responsible for washing
20 out their truck and dealing with it.

21 MR. BERGER: Objection.

22 Q And how do you have that understanding?

23 JUDGE WEDEKIND: Hold on. Hold on.

24 MR. LUNDGREN: Oh, I didn't hear you.

25 JUDGE WEDEKIND: What's the objection?



1 MR. BERGER: Lack of foundation. I -- I think the
2 question about to be asked, what the basis of it is.

3 JUDGE WEDEKIND: Okay.

4 Q BY MR. LUNDGREN: And how do you have that understanding?

5 A Because one of the roles of a dispatcher is to let the
6 driver know that they are able to wash out at the end of the
7 shift, to wash out their drum and go home.

8 Q And in your experience in the dispatch office, do you know
9 what drivers typically did at the Glacier facility in 2017
10 before clocking out and going home for the day?

11 A I had an idea. I wouldn't -- yeah.

12 Q Sure. And what's your idea?

13 A They would wash their truck and then do a safety
14 inspection on their vehicle, and then lock it up at the
15 assigned parking location.

16 Q And how do you know that?

17 A Because they would ask for permission to wash out their
18 truck and secure their vehicle at the end of their day.

19 Q In 2017 do you know where the Duwamish mixer drivers
20 parked their truck?

21 A I did. Yes, I do.

22 Q And can you tell us where?

23 A Yeah, there was two locations actually for the parked
24 trucks. One was for the higher seniority drivers. They are
25 allowed to park at our facility -- or Glacier's facility I

1 should say, on East Marginal Way. The remainder of the fleet
2 would park at the cement terminal parking facility that we had
3 on West Marginal Way.

4 Q Okay. And have you observed both locations?

5 A I have.

6 Q And did you observe them in 2017?

7 A I did.

8 Q And can you tell us how far the West Marginal Way parking
9 lot is from the Duwamish yard?

10 A I would say in a mixer truck roughly 10 to 15 minutes
11 depending on traffic.

12 Q These duties you've described, the washing out, parking
13 the truck, delivering the concrete, how often did persons
14 assigned to work in the dispatch office perform those mixer
15 truck duties, if at all?

16 A Never.

17 Q I missed your answer.

18 A Never.

19 Q And do you have a CDL license?

20 A I do not.

21 Q Are you competent to operate a mixer truck?

22 A No. No sir, I'm not.

23 Q The morning of August 11, 2017, did you personally observe
24 any Teamster Union officials at the Duwamish yard?

25 A Yes sir, I did.

1 Q And when did you make that observation?

2 A Right before the announcement went over the radio that
3 their drivers were on strike.

4 Q And where did you observe those Union officials?

5 A I observed them at the drivers' room -- the entrance to
6 the drivers' room on the stoop, or the steps.

7 Q And where were you when you made that observation?

8 A I was standing in between Sean Jagnow and Jessica Barkie
9 looking out of our dispatch office window towards the --
10 towards the lineup of trucks.

11 Q And what did -- who did you see out there from the Union?

12 A I saw Mr. Walker and two other individuals that I -- I
13 couldn't identify.

14 Q And how could you identify Mr. Walker?

15 A I had had conversations with him in the past and met him
16 on a previous occasion.

17 Q When you made this observation that you described, what
18 did you see the Union officials doing? Can you describe it for
19 us, please?

20 A Yeah. I saw Mr. Walker make a slashing throat -- a
21 slashing motion towards his throat.

22 Q And where was he when you observed that action by Mr.
23 Walker?

24 A He was on the steps, or the ramp to the drivers' room.

25 Q And could you see where he was facing in the yard when he

1 made that slashing motion?

2 A Yes, he was facing the trucks that were lined up in the
3 yard.

4 Q What communications did you have with management above you
5 when you heard the radio transmission that you described about
6 the strike is commencing?

7 A I believe I called Justin Denison and then spoke to
8 Melanie O'Regan immediately after hearing that the drivers were
9 on strike.

10 Q And when you spoke to Ms. O'Regan, what did she say to
11 you, if anything?

12 A Yeah. Subsequent to our conversation she -- she asked me
13 to put out a bulletin over the radio, something to the effect
14 for the drivers to continue on any jobs that we already had
15 loaded.

16 Q What else did you discuss? Do you remember?

17 A I don't recall.

18 Q What did you do in response to Ms. O'Regan's request, if
19 anything?

20 A I followed it and I followed it through.

21 Q And how did you follow it? Describe what you did.

22 A I walked up to Sean Jagnow and asked him to step aside so
23 I could get -- get on the radio and broadcast of the drivers
24 that we needed to finish deliveries to the jobs that we had
25 already been loaded for. To that -- something to that effect.

1 Q And I'm going to play one short audio file. And you can
2 hear it Mr. Doyle.

3 MR. PAYNE: Ross, could you play -- I have it as audio
4 file 29.

5 (Audio played at 3:40 p.m., ending at 3:40 p.m.)

6 Q BY MR. PAYNE: And can you identify for us Mr. Doyle who
7 is the speaker in that radio transmission?

8 A Yeah, that was me.

9 Q And who instructed you to make that statement?

10 A Melanie O'Regan.

11 Q And what was the purpose of that radio transmission?

12 A Well, the purpose I believe was for the drivers to not
13 ruin concrete or cause damage to their truck and to offload the
14 concrete they had been loaded with.

15 Q And who would've heard that radio transmission?

16 A Anyone who was assigned to that channel and anyone within
17 earshot of me that day. In other words, the Local 174 drivers
18 in King County.

19 JUDGE WEDEKIND: Sir, can I just interrupt for second for
20 clarification? So O'Regan was working there at the time?

21 THE WITNESS: Yes, sir.

22 JUDGE WEDEKIND: Okay. And does she report to you? Or
23 did you report to her?

24 THE WITNESS: In the hierarchy I reported to, on paper, to
25 Brent Nordyke, but I answered to Justin Denison.

1 JUDGE WEDEKIND: And --

2 THE WITNESS: I would take orders from Melanie, yes.

3 JUDGE WEDEKIND: You would?

4 THE WITNESS: I would, yeah.

5 JUDGE WEDEKIND: Okay.

6 THE WITNESS: And she was -- she was the VP. So, yes.

7 JUDGE WEDEKIND: Okay.

8 Q BY MR. PAYNE: If you know, who did Justin Denison answer
9 to an August 2017?

10 A He answered directly to Melanie.

11 Q What did you observe, if anything, in the yard after that
12 message?

13 A Chaos.

14 Q Can you describe it for us?

15 A Yeah. There was a lot of people running around trying about
16 what to do with trucks coming back with a load of concrete.

17 Q And after that, what did you do that day?

18 A I had various other duties. I -- I can only guess, but I'm sure
19 I was probably reviewing tickets to see which jobs were delivered to,
20 probably dealing with customer complaints. In fact, I know I was.
21 Dealing with rescheduling customers, letting them know that they
22 weren't getting concrete, and orchestrating, making sure that calls
23 were made. Things of that nature. Just responding to the -- the
24 situation that we had at hand.

25 Q And what involvement, if any, did you have with handling the
mixer trucks left in the yard?

A Little -- little to none, directly. I may or may not have been



1 asked to help identify trucks that were coming back that were calling
2 in. But that was something I probably would have delegated to Sean
3 Jagnow.

4 Q Let's talk about the process for assigning work in August 2017
5 to Teamster drivers. And let's start with work during the weekday.
6 What was -- well, first of all, as dispatch coordinator, was that
7 something you had knowledge of in August 2017?

8 A It was.

9 Q And how would you have that knowledge?

10 A Because my office was directly responsible for putting out the
11 work assignments and schedules for the following day.

12 Q And can you describe for us what was the process for dispatch
13 assigning drivers for weekday work in August 2017?

14 A We would post the drivers' work assignments or start times as we
15 would call them, on a recorded line prior to 5 p.m.

16 Q And how would the drivers find out their start time in that
17 process?

18 A They would call a number that they had been given and it would
19 go to a recording that would list the drivers' start times in order
20 of seniority.

21 Q And those start times you described, or are they for the same
22 day or different day?

23 A They are for the following day. So we would put it out -- we
24 put the following day schedule out the prior day at 5 p.m.

25 Q And how do you choose who is assigned work first among the
drivers?

A Seniority.

Q So for example, when you have work on a Thursday, when would

1 dispatch post these callout assignments in August 2017?

2 A Wednesday before 5 p.m., the day before.

3 Q And what if a driver was not assigned Thursday work in that
4 Wednesday callout recording? So they called and they weren't given
5 an assignment, what would happen then?

6 A They would be on call until 9 a.m. the following morning.

7 Q And what if they were not called by 9 a.m. the following morning
8 and given a start time assignment?

9 A They weren't obligated to come in to work.

10 Q And if they were called before 9 a.m. that morning and given a
11 start time assignment, when would that start assignment be for? What
12 date?

13 A If they were -- I'm sorry. Can you repeat the question?

14 Q Sure. They are on call and they're called and given a start
15 time assignment during their on-call period. For what day would that
16 occur?

17 A The day of the call.

18 Q What if a driver were called after 9 a.m. when they are in this
19 on-call status, could they still work that day if they wanted to?

20 A They could.

21 Q And do you know how would they be compensated if they chose to
22 accept an assignment after 9 a.m. that day?

23 A I don't recall the exact language of the contract, but it was a
24 monetary compensation that they received.

25 Q For weekend work on a Saturday in 2017 -- August 2017, when
would dispatch post the recording with the drivers' start time
assignments?

A Friday, 5 p.m. the night before.

1 Q What requirement, if any, in August 2017 would there be to
2 notify a driver about Saturday work by 9 a.m. on Friday?

3 A From a dispatch perspective?

4 Q Yes.

5 A None whatsoever.

6 Q What about being on call until 9 a.m. on Saturday for weekend
7 work? Was that a requirement in August 2017?

8 A Not from -- no, that was not.

9 Q In the time leading up to August '17 and in August '17, did
10 dispatch always get that start time recording posted before 5 p.m.?

11 A No.

12 Q When that happened and the start time recording was posted after
13 5 p.m., what would happen with the drivers?

14 A They would still show up for work.

15 Q And --

16 A You're -- sorry.

17 Q What about work that happened after midnight on a Saturday? Is
18 that Friday or Saturday work?

19 A That's considered Saturday work.

20 Q Can you -- in August 2017 again, can you explain dispatch's
21 process for making sure drivers have 10 hours between shifts?

22 A For making sure they have 10 hours in between a shift?

23 Q Yeah. Is there a process that?

24 A Yeah. If -- if they got off by certain time they wouldn't be
25 called in the following morning until they met that ten-hour
requirement.

Q Were you in Glacier dispatch on August 19, 2017 -- I'm sorry.

1 Were you in Glacier dispatch on August 18, 2017, the day the strike
2 ended?

3 A I was.

4 Q And what were you doing that day?

5 A I was -- specifically, I was told the drivers were going to
6 ratify the contract and I was putting together a schedule for work
7 that we were going to be completing for work that had canceled and
8 organizing to prepare for a mat pour -- to mobilize for a mat pour.

9 Q And do you know who instructed dispatch to assign start time to
10 drivers for the August 19, 2017 mat pour?

11 A Well, I instructed the drivers, but I received my instruction
12 from Melanie O'Regan.

13 Q Who instructed dispatch?

14 A I did.

15 Q And you said Melanie O'Regan instructed you to do that?

16 A Yes, sir.

17 Q And when Melanie O'Regan instructed you to assign start times
18 for the drivers for the August 19, 2017 mat pour what did you do?

19 A I turned around and told Dirck Armitage to start putting a
20 schedule together and to start calling drivers immediately to let
21 them know that we had a -- a mat pour that Saturday.

22 Q And what is understanding about whether or not Dirck
23 accomplished that task?

24 A I was sitting right next to him, so I know that he accomplished
25 the task.

Q And from your observation, how were the drivers informed of the
start times that day?

A They were called on the phone and they were also -- their start

1 times were also published on the -- on the message service that we
2 have for our drivers to call and get their start times.

3 Q And to your knowledge, when were those start times for the
4 Saturday mat pour posted?

5 A Prior to 5 p.m.

6 Q What else was necessary once those start times were posted and
7 the calls were made? What else was necessary for the drivers to
8 receive their start time assignments for that mat pour?

9 A Nothing.

10 Q Did dispatch follow its standard -- standard practice for
11 assigning the start times for that August 19, 2017 mat pour?

12 A We did.

13 Q What about asking volunteers to work that mat pour? Was
14 that something dispatch did that day?

15 A No, because we utilized the entire fleet of drivers.

16 Q Can you explain that, why -- if you --

17 A Yeah. So when there's not enough work to fill out the
18 entire roster for the -- for the -- the plant, or the drivers
19 needed, you invert seniority. You would ask for volunteers,
20 and if you don't get enough volunteers, you call in on inverted
21 seniority. Because that mat pour required all the drivers, we
22 just scheduled by seniority, which has been the standard
23 practice for us.

24 Q Does that -- had that happened before?

25 A Yes.

Q When did that typically happen?



1 A When the -- that typically -- whenever we had a large
2 pour. And typically on a weekend.

3 Q And in those prior instances, what issues, if any, were
4 there with drivers showing up?

5 A None.

6 Q What was the reason --

7 MR. LUNDGREN: Strike that.

8 Q BY MR. LUNDGREN: Did dispatch assign -- I think you said
9 dispatch assigned the shifts in seniority order. What was the
10 reason that inverse seniority order wasn't used for assigning
11 shifts?

12 A Again, because the entire roster was being called into
13 work.

14 Q Okay. Can you explain that?

15 A Yeah. So you invert seniority based off the lowest
16 seniority driver for weekend work. But because we were calling
17 in the entire roster of drivers, we went by seniority, so the
18 more senior drivers would have an earlier start time. And I
19 don't -- I don't know why the contract's written that way, but
20 that's the way it's written, so we follow the contract. I
21 don't know if that helped.

22 Q Staying with that August 19, 2017 mat pour, how, if at
23 all, was the DOT ten-hour rule an issue for dispatch?

24 A It wasn't. The drivers hadn't worked.

25 Q Explain that.

1 A The drivers require ten hours off for DOT, the drivers
2 weren't working the day before. They were on strike.

3 Q How long were you in dispatch that afternoon; do you
4 remember?

5 A I was there at least through the -- I was there at least
6 until I'm going to say 5 o'clock that evening. I believe.

7 Q Did you hear any dri -- drivers answering the calls that
8 were being made by your dispatchers?

9 A I don't recall the drivers answering.

10 Q Are you aware of any driver at any time reporting a ten-
11 hour DOT issue to dispatch on August 18, 2017?

12 A No. And to my recollection, only one driver called into
13 dispatch.

14 Q And what do you recall that driver saying?

15 A I recall him having -- I can't remember the driver's name,
16 but I recall him being off that day, and we worked it out, he
17 did have a previously assigned time off. So he called and said
18 he wasn't going to be able to make the Saturday shift.

19 Q And what about giving the drivers notice of anticipated
20 work by noon on Thursday? Did your dispatchers do that that
21 day?

22 A No. That wasn't a requirement of dispatch. We didn't
23 handle that.

24 Q Prior to instructing your dispatchers on how to provide
25 the start time assignments to -- for this August 19 mat pour,

1 did you have any conversations with Brent Nordyke?

2 A I'm sure I did. I talk to Brent almost daily.

3 Q Do you recall if you had any conversations that day?

4 A I probably called him to review the schedule, just to make
5 sure I scheduled everything correctly. I used to rely on Brent
6 pretty heavily for his expertise.

7 Q Do you recall anything else about the conversation?

8 A I don't.

9 Q Were you working on August 17, 2017?

10 A I was.

11 Q To your knowledge, was any weekend work anticipated that
12 day for August 19, 2017?

13 A It was not.

14 Q And why not?

15 A Because the drivers were on strike.

16 Q Do you know anything about notices in the driver room
17 about mat pours?

18 A Vaguely.

19 Q Have you ever been in the drivers' room?

20 A I have.

21 Q Have you ever seen those notices?

22 A I don't recall. I may have seen that there have been
23 notices for weekend work up there at the time. I don't -- I
24 didn't really pay too much -- close attention to it.

25 Q Are those notices something dispatch prepares?

- 1 A No, sir.
- 2 Q And was that true in August 2017?
- 3 A That would have been true in August 2017, yes.
- 4 Q Do you know who posted those notices in the drivers' room
- 5 in August 2017?
- 6 A Typically, it would have been Brent Nordyke.
- 7 Q To your knowledge, do those notices communicate job
- 8 assignments to an individual driver?
- 9 A No, sir, they do not.
- 10 Q Do those notices communicate start times to an individual
- 11 driver?
- 12 A No, sir, they do not.
- 13 Q Do they tell any individual driver whether they're going
- 14 to be working or not?
- 15 A No, sir, they do not.
- 16 Q We talked about Dirck Armitage calling drivers and leaving
- 17 a message for them on August 18 about start times for August
- 18 19. What happens if a driver doesn't call dispatch back after
- 19 such a message is left with a driver?
- 20 A There's no requirement for a driver to call dispatch back.
- 21 Q And does -- does that happen?
- 22 A Frequent -- yeah, it would happen on a regular basis. The
- 23 drivers would not call in every time they -- they received
- 24 their posted start times.
- 25 Q And was that true in August 2017?

1 A It certainly was.

2 Q And what, if anything, would happen with the drivers
3 showing up when those -- when that happened?

4 A There was never an issue while I was there. Drivers would
5 typically show up. They were expected to show up when given a
6 start time.

7 Q When you were in dispatch at Glacier, were there ever
8 occasions where a driver had an issue with making an assigned
9 start time after it was assigned?

10 A Yes.

11 Q And what would typically happen in that event?

12 A The driver would typically call either into dispatch
13 directly or call Brent Nordyke and let them know the scheduling
14 conflict.

15 Q And during your time in dispatch on August 18, 2017, did
16 any driver make such a call, to your knowledge?

17 A No, sir.

18 Q You had mentioned there was one driver who said he was on
19 assigned time off; is that correct?

20 A That's correct.

21 Q Do you know how he contacted dispatch?

22 A I believe he got ahold of Brent Nordyke.

23 Q Do you know who it was?

24 A I don't recall.

25 Q Do you know where Brent Nordyke was that day?

1 A I don't remember.

2 Q What if a driver doesn't call dispatch for an adjustment
3 in their posted start time? What would the expectation of
4 dispatch be?

5 A The expectation would be that they would show up -- they
6 would show up to their assigned shift.

7 Q When you were in dispatch on August 18, 2017, how many
8 drivers, if any, called to say they needed more notice about
9 the mat pour?

10 A None.

11 Q How many called to say they -- they weren't coming to work
12 because they felt they weren't obligated to work that night.

13 A None, that I'm aware of.

14 MR. BERGER: Objection, asked and answered. Only this one
15 person called back for any reason.

16 JUDGE WEDEKIND: And also, he says he may have left at 5
17 p.m.

18 MR. LUNDGREN: Right, the callout recording was posted at
19 3:42 p.m.

20 JUDGE WEDEKIND: Okay, all right.

21 MR. LUNDGREN: And then subsequent calls were made after
22 that again, there was two sets of calls.

23 JUDGE WEDEKIND: Okay, but to -- so we're only talking
24 about the time. When he says no one called, he's talking about
25 before he left.

1 MR. LUNDGREN: And -- and he has no knowledge of any such
2 calls ever receiving his dispatch on that day, is -- is really
3 the question. What is his understanding about were there any
4 drivers in contacted dispatch to say there was an issue, that's
5 the question.

6 THE WITNESS: No.

7 Q BY MR. LUNDGREN: And I didn't hear your answer, I'm
8 sorry, sir.

9 A No, sir, there was -- there was -- to my knowledge, no
10 driver called in and had any issue with dispatched assignments.

11 MR. LUNDGREN: I have no further questions.

12 JUDGE WEDEKIND: Okay. How about cross?

13 MS. CHEREM: Yes, can we have a quick break first?

14 JUDGE WEDEKIND: Sure. Let's take five minutes.

15 MS. CHEREM: Just to have time to get organized?

16 JUDGE WEDEKIND: You're good. Thank you.

17 (Off the record at 3:59 p.m.)

18 MS. CHEREM: Good afternoon, Mr. Doyle. My name's Rachel,
19 and I'm counsel for the General Counsel in this matter. I'm
20 going to be asking you some follow-up questions based off of
21 the questions that counsel for Respondent asked you earlier.

22 **CROSS-EXAMINATION**

23 Q BY MS. CHEREM: So I'd like to start with some questions
24 about the morning of August 11th, 2017, which the record
25 reflects was the day the strike began.

- 1 A Okay.
- 2 Q All right. How did you find out the strike was starting
3 again?
- 4 A Well, I sho -- it was -- it was broadcast on the radio.
- 5 Q Okay. So through the radio?
- 6 A Um-hum.
- 7 Q And then you said that after that, you called Justin?
- 8 A I called Justin and Melanie. I'm not sure in which order.
- 9 Q Okay. So let's start with your conversation with Justin.
- 10 A Yeah.
- 11 Q What -- what do you recall telling Justin?
- 12 A I don't recall the conversation at all, to be honest with
13 you, and I believe the reason I called Melanie is probably
14 because I couldn't get ahold of Justin.
- 15 Q Okay. So you're not sure whether you talked?
- 16 A Yeah, I'm not sure what -- what conversations transpired.
- 17 Q Okay, got it.
- 18 A Sure if any at all.
- 19 Q And then how did you talk to Melanie?
- 20 A Over the phone.
- 21 Q And how did that conversation start?
- 22 A I just let her know that I heard over the radio that
23 drivers are going on strike, and I asked for what -- what did
24 she want me to do, as far as if she wanted me to put out any
25 message over the radio, or -- or how she wanted me to handle it

1 from the dispatcher's role.

2 Q And how did she respond?

3 A She responded by telling me to put out a notice over the
4 radio that we were -- something to the effect of, we're to
5 deliver the loads to the jobs -- to the jobs that we were
6 assigned already -- that the trucks had taken -- I don't have
7 the quote in front of me, but --

8 Q That's okay. Do you recall any additional conversa -- any
9 additional content from the conversation with Melanie?

10 A I -- off the top of my head, I don't, no.

11 Q Did you get any instructions from either Justin or Melanie
12 at any point that morning about what to do with drivers coming
13 back with concrete in their trucks?

14 A If -- if there was any -- I don't -- I don't recall
15 directly, but if there was any, it would most likely have been
16 just to notify them of which trucks had the -- that we were
17 aware of that had concrete on them.

18 Q Did you ask anybody at any point about what to direct
19 drivers to do with concrete coming back in trucks?

20 A I don't recall, no.

21 Q And in August 2017, what were the normal options for what
22 drivers could do if they came back to the Duwamish facility
23 with concrete in their trucks?

24 A They were to notify dispatch and let them know that they
25 had -- how many yards they had left on board as far as

1 quantities.

2 Q And then what were the instructions that dispatch would --
3 would give?

4 A They would -- depending on how much concrete they had on
5 them, and how much room we had in the bins, or at the
6 reclaimer, they would either be advised to discharge their load
7 in the bin on the reclaimer, or to take it to a separate
8 facility that was owned by another company, third-party
9 facility, and dump the concrete there.

10 Q Okay. And when you say bin, what are you referring to?

11 A It's a -- a bunker that's made to put -- like, three walls
12 on it at an angle. The -- to dispose of concrete.

13 Q Are those also called eco-blocks?

14 A No.

15 Q Is that different?

16 A That's different.

17 Q Okay. Is that what's been referred to as dumping it on
18 the ground?

19 A No. An eco-block is a -- is a container that's used to
20 make blocks of concrete.

21 Q You --

22 A Drivers would also dump them in those sometimes.

23 Q Okay. Well what -- what you had just been describing,
24 which you said is not eco-blocks -- what you had been
25 describing is that what's referred to as dumping it on the

1 ground?

2 A Yes.

3 Q Okay. So dumping it on the ground, reclaimer, or third-
4 party facility?

5 A Yes.

6 Q And which third-party facilities were you using in August
7 of 2017?

8 A I don't recall the name, I'm sorry.

9 Q Not a problem.

10 JUDGE WEDEKIND: So are you saying you did not tell them
11 anything about putting it in --

12 THE WITNESS: I don't recall --

13 JUDGE WEDEKIND: And just let me finish, I'm sorry.

14 THE WITNESS: Yeah, sorry.

15 JUDGE WEDEKIND: We've got a recording on.

16 THE WITNESS: I apologize.

17 JUDGE WEDEKIND: So are you saying that you did not tell
18 them about the ecology blocks, they just did it on their own,
19 or what are you saying?

20 THE WITNESS: Specifically, the day of the strike?

21 JUDGE WEDEKIND: Any day. Just -- I thought you were just
22 asking --

23 MS. CHEREM: Yeah, well he -- he had mentioned those three
24 options.

25 JUDGE WEDEKIND: -- in general.

1 MS. CHEREM: And I was going to go back and also ask about
2 ecology blocks. But you --

3 JUDGE WEDEKIND: I thought you already did. That's why
4 I -- so --

5 MS. CHEREM: I -- I misunderstood what he was saying.

6 JUDGE WEDEKIND: I'm just trying to distinguish between
7 what drivers might do, and what you told drivers to do. So
8 tell me the options you told drivers to do.

9 THE WITNESS: On the typical day, the drivers would be
10 asked to dispose of concrete in one of the following ways:
11 that was to either in an eco-block, depending on if we needed
12 them made at the facility, because we would resell them. And
13 the -- and the reclaimer, if, in fact, it was working, or if,
14 in fact, it was available, or on the ground if that's where we
15 could put it, if we had enough storage facility there, or at
16 the third-party location --

17 MS. CHEREM: Okay.

18 JUDGE WEDEKIND: So that's four --

19 THE WITNESS: -- depending on -- those -- four options.

20 MS. CHEREM: Four choices.

21 THE WITNESS: Yes.

22 MS. CHEREM: Okay.

23 Q BY MS. CHEREM: How did you know whether the reclaimer was
24 available, generally?

25 A The operations team would let us know. We would call and

1 ask the -- either the batch personnel would know, or Dave
2 Siemering would know, and he would let us know if the reclaimer
3 was up and running, and if it was available to use.

4 Q Do you recall whether the reclaimer was up and running on
5 the day of the strike?

6 A I -- I don't. I'm sorry.

7 Q Do you recall whether Dave gave any instructions to -- I'm
8 sorry, you said you would talk to Dave on the radio, is that
9 what you just said?

10 A Dave's office was -- I would have to walk by Dave's office
11 every morning to go to my office.

12 Q Okay.

13 A So I could -- I could find out from Dave, or my
14 dispatchers would find out from Dave, and everyone knew in the
15 office what the situation was.

16 Q Okay. Does Dave separately have a radio, if you know?

17 A I don't recall Dave having a radio, no. He -- he may
18 have, I just don't remember.

19 Q Yeah, yeah, to your knowledge, you don't know one way or
20 the other. Okay. So the morning of Au -- August 11th, after
21 the strike began, did you give any instructions to the
22 dispatchers on what to tell drivers coming back with concrete
23 in their trucks?

24 A I did not -- I don't believe I did. I -- I -- to be
25 honest with you, I don't recall.

1 Q Do you know whether the dispatchers got any other
2 instruction about what to tell drivers coming back with
3 concrete?

4 A It's plausible.

5 Q But you don't --

6 A I don't know for a fact.

7 Q All right. Turning back to the strike being announced,
8 what could you see, in terms of trucks, from your office at the
9 time the strike was announced?

10 A I could see the trucks -- the trucks had not been loaded
11 yet, lined up to -- to load.

12 Q So the ones that were in the --

13 A Yeah, in the -- in the line --

14 Q -- the waiting to load line?

15 A Yeah. And are you talking about just my general area of
16 view, what I could see?

17 Q Yes, yeah, your view.

18 A So I could see the dri -- I could see the -- the mechanics
19 shop, which is on the left side of the yard, all the way to
20 where the trucks enter the yard, and all the way to the right
21 side of the Duwamish Bay. And then to my direct right, I could
22 see the plants, and the trucks loading underneath them.
23 That -- that was the field of view we have from those windows
24 in that office.

25 Q Okay. After the strike was called, did you take any notes

1 on what trucks were in what status at any given point?

2 A No, I did not personally.

3 Q Do you know if anybody else did?

4 A They would have been recorded through our dispatching
5 system, if that's what you're asking, when they were loaded and
6 what they were loaded with?

7 Q No, after -- sorry, let me re -- rephrase my question.
8 After the strike was start -- began, did you take any notes
9 about whether trucks were loaded, and where they were located,
10 or what their sort of load status was after the strike had
11 started?

12 A It would have been tracked on our tracking system.

13 Q And what do you mean by that?

14 A We have a dispatch system, like most companies. It shows
15 you what trucks are loaded, where they're at as far as their
16 status loops. And by status loops, I mean, there's -- to
17 elaborate, there's different status loops. There's loading,
18 loaded, on job, and returning to plant.

19 Q And how do those statuses change?

20 A I believe, at the time, CalPortland -- this is -- this is
21 a while ago, so I don't know for sure, but I believe they were
22 geofenced locations.

23 Q Say that one more time?

24 A I believe they were lo -- I believe they were GPS, and
25 they were triggered by geofences put around the locations of

1 the delivery address.

2 Q Okay. So your system has a status -- and I'm just trying
3 to understand.

4 A Yeah, yeah.

5 Q Correct me if I get this wrong at any point.

6 A No, no.

7 Q So your dispatching system, in August 2017 --

8 A Correct.

9 Q -- had some geolocation GPS tracking devices?

10 A Correct.

11 Q Okay. And based off of the GPS in the dispatching system,
12 the -- the status in your system changed from what, again?

13 A Loading --

14 Q Can you walk me through the options?

15 A -- at plant, to job, at job, and then returning to plant,
16 to my recollection.

17 Q Okay.

18 A So I think there was five statuses if my memory serves me
19 correct.

20 Q How -- how does the GPS know when you're at the job?

21 A There's a -- there's a geofence. It's, like, a -- it's an
22 imaginary circle, if you will, that's put on by -- on a map,
23 and then when that truck crosses the plane of that geofence it
24 triggers -- it triggers the GPS to alert that the truck has
25 arrived at that location.

1 Q Okay. So it's like an electronic --

2 A It's like an electronic --

3 Q -- an electronic circle on an electronic map?

4 A Correct.

5 Q Okay. So you didn't take separate notes from what was in

6 your system?

7 A No, ma'am.

8 Q Okay. Do you know if anybody else did?

9 A I don't recall.

10 Q Okay. Did you note -- could you see the truck numbers of

11 which trucks were waiting to load.

12 A You could see which trucks were available to load. So --

13 Q The ones that were in the waiting line?

14 A Correct.

15 Q You could see those truck numbers?

16 A You -- yes, you -- yes, you could.

17 Q Okay. Is that something that you usually pay attention

18 to?

19 A Yeah, it is, actually.

20 Q Okay.

21 A Yeah.

22 Q Like, is it easy for you to remember truck numbers?

23 A Well, it's not a matter of memory. On the actual trucks,

24 in the -- in the dispatching system, there's a ele -- there's a

25 timer that goes next to the assigned vehicle --

1 Q Um-hum.

2 A -- and it will tell you how long that vehicle's been in
3 any given status.

4 Q Okay.

5 A It will turn a different color based on if it's exceeded
6 the allotted amount of what would be a guideline. So it'd be
7 pretty relatively easy to track. Just based on looking at a
8 truck number, you can see the actual time that the truck was in
9 that status, and how long it's been there for.

10 Q On August 11th, did you have any conversations with
11 supervisors or managers about what was going on, or what the
12 status was of the trucks -- the load status?

13 A Oh, the trucks that were not loaded yet, or the trucks
14 that were loaded already?

15 Q The -- in general. The -- the -- the trucks in general,
16 after the strike started.

17 A I -- I don't recall. I'm sure I did, but I don't recall.

18 Q Do you remember if you talked to Brent Nordyke about what
19 was going on with the trucks?

20 A I'm sure I did.

21 Q No specific knowledge of --

22 A I don't remember specifically.

23 Q Okay.

24 MS. CHEREM: Does he have Respondent's --

25 Q BY MS. CHEREM: Do you have a big thick stack marked R-9?

1 It should have some long pages on it. Or maybe not be marked,
2 but it should be, like -- the last pages should be 103, 104,
3 105, at the very, very end?

4 A I do.

5 Q Okay. So let's take a look at this. Are you familiar
6 with this document? Yeah, feel free to open it.

7 A If I can figure it out.

8 Q Yeah, it's not a test. Is this a document you're familiar
9 with?

10 A I recognize what's on the document. Yes, this is a report
11 that would have been pulled through our dispatching system.

12 Q Okay. So looking at mix units, do you know what zero
13 reflects?

14 A It appears it reflects the cubic yards, or the amount of
15 weight on the ticket.

16 Q Okay. And do you know how that gets there? Like, how it
17 winds up as a zero in particular?

18 A That would be -- typically, if the truck had a ticket
19 assigned to it, and had a zero next to it, it would mean it
20 was -- it was a voided ticket.

21 Q And what's a voided ticket?

22 A A voided ticket is something that happens when a load is
23 rejected. It cancels out the load as far as it being assigned
24 to that customer, so they don't get billed for it. Or so if
25 it --

- 1 Q So this is a billing question?
- 2 A -- so if it -- so if it didn't get delivered, it would be
3 voided. So reflective of if the load wasn't delivered, or it
4 was rejected for some reason.
- 5 Q Okay. And who is -- how did this -- a ticket get voided?
- 6 A It's done through our dispatch office.
- 7 Q And who does that?
- 8 A It would either be myself or either one of my dispatchers.
- 9 Q So do you have to, like, actively go into your system
10 and --
- 11 A You do.
- 12 Q -- click the void button?
- 13 A Yes, ma'am.
- 14 Q Okay. And then it shows up as zero after that?
- 15 A Yeah, there's a -- there's a process at the time. I can't
16 remember what it was --
- 17 Q Sure.
- 18 A -- but there was several steps involved. But it was --
- 19 Q But somehow, you clicked the voided button, and then at
20 the end of that, there's a zero on this chart?
- 21 A Correct.
- 22 Q Okay. If you recall, how did the dispatch office go about
23 determining which tickets from August 11th should be voided?
- 24 A I -- I don't remember.
- 25 Q Do you remember if you made phone calls to customers?

- 1 A That was something we would have done, yes.
- 2 Q Do you remember if you called all of the customers?
- 3 A Our office would have called the customers, yes. All of
- 4 the customers to verify delivery. Well, should have.
- 5 Q Should have, but you don't know if they did?
- 6 A I don't know for sure of this.
- 7 Q Okay. Did you personally call customers?
- 8 A I did.
- 9 Q Okay. About how many customers did you call?
- 10 A I -- I couldn't tell you.
- 11 Q And after August 11th, during the -- did you work the
- 12 following week -- so August 11th was a Friday. Were you
- 13 working Monday, August 14th, 15th -- Tuesday the 15th, or
- 14 Wednesday the 16th?
- 15 A Yes, I was.
- 16 Q So you went to work even though there was no in-county
- 17 dispatching going on?
- 18 A Correct. The phones were still ringing.
- 19 Q Okay. During those -- that Monday, Tuesday, Wednesday,
- 20 after the strike, did you have any conversations with other
- 21 supervisors or managers about what had happened with the trucks
- 22 on -- on the morning of August 11th?
- 23 A I'm positive I would have, yes.
- 24 Q Do you recall any of those conversations?
- 25 A I don't recall, no.

1 Q Okay. On the morning of August 11th, when the strike was
2 called -- or after the strike was called, did you see any
3 supervisors or managers out in the yard from where you were
4 standing?

5 A I did.

6 Q Who did you see?

7 A I saw Justin Denison. I also saw Bob Nordness in the
8 yard.

9 Q Who's that?

10 A Bob Nordness was a plant manager at our Bremerton and
11 Poulsbo locations.

12 Q At what time did you see him?

13 A I don't recall, it was morning.

14 Q Okay.

15 A It was during -- during the time the trucks were bring
16 brought back.

17 Q Okay. And how about -- you said Brent, and then that
18 other guy?

19 A Justin Denison.

20 Q Oh sorry, Justin Denison?

21 A No.

22 Q I'm sorry, I misspoke. Justin Denison and the guy who was
23 the other -- the manager at the other plant?

24 A Yeah, Bob Nordness.

25 Q Bob, thank you. So at what point did you see Justin

1 Denison?

2 A I -- I was -- also during the time trucks were being
3 brought back.

4 Q Not sure how long after the strike called?

5 A I -- no, I was busy doing other stuff.

6 Q Okay. What did you see Justin Denison doing?

7 A I -- I observed him from my office just giving
8 instructions to yard personnel, and talking to, I believe Bob
9 or maybe even Dave Siemering when he was down there because
10 Dave was also in the yard. But I couldn't really tell you what
11 he was doing, because I wasn't standing next to him. Like I
12 said, I was --

13 Q Okay.

14 A -- focused on other things.

15 Q All right. On August 18th, you said you were told by
16 Melanie to organize the mat pour. When did she tell you to
17 organize the mat pour?

18 A I want to say it was late in the morning, or really early
19 in the afternoon. I -- I'd have to look back at --

20 Q Okay.

21 A -- my declaration, honestly, to -- to give you an exact
22 time.

23 Q Normally, in summer of 2017, let's say, if there was going
24 to be an early-morning Saturday mat pour, was it standard
25 practice for you to call all the drivers that afternoon of --

1 of the Friday -- the day before?

2 A On a -- on a typical day?

3 Q Um-hum.

4 A Yeah, when we were -- our normal business proce -- no, we
5 would not call the drivers.

6 Q You would not call the drivers normally?

7 A No.

8 Q Okay.

9 JUDGE WEDEKIND: But is it -- are mat pours ever typical?
10 When you said -- I thought your question was that --

11 THE WITNESS: Well I'm -- I'm --

12 JUDGE WEDEKIND: I'm just trying to -- what do you mean by
13 typical?

14 THE WITNESS: Well, I mean, like -- like, there was a
15 contract in place when the drivers went on strike. So, like, a
16 normal business day. So the typical -- so operating under
17 normal circumstances, with the drivers not on strike, we would
18 typically not call them on the phone. We called them because
19 they were on strike, to give them the start times.

20 JUDGE WEDEKIND: Okay.

21 MS. CHEREM: I have nothing further at this time.

22 JUDGE WEDEKIND: Anything from the Union?

23 MR. BERGER: Yes.

24 **CROSS-EXAMINATION**

25 Q BY MR. BERGER: Good afternoon, Mr. Doyle. I'm Ben



1 Berger. I am attorney for Charging Party, Local -- Teamsters
2 Local 174. I have a few other questions regarding the
3 testimony you gave.

4 A Okay.

5 Q Did you -- I believe you testified you began your
6 employment with Glacier in 2016; is that right?

7 A December of 2016.

8 Q Okay. And did you have any prior employment with Glacier
9 before that?

10 A No, sir.

11 Q Were you aware that the Local 174 drivers struck in 2010?

12 A I was aware there was a strike. I don't recall what year
13 it was.

14 Q I believe you testified -- correct me if I'm wrong -- that
15 you had no specific knowledge of an upcoming strike --

16 A I'm --

17 Q -- prior to August 11th?

18 A -- no specific knowledge of which companies would be
19 struck I believe is my testimony.

20 Q I see. Okay. Did you hold the belief that prior to
21 August 11th, that some of the -- one or more of the sand and
22 gravel companies could be struck by Local 174 members?

23 MR. LUNDGREN: Objection. Relevance, speculation,
24 foundation.

25 MR. BERGER: He testified about this.

1 MR. LUNDGREN: What is his belief? He's a dispatch
2 coordinator. What is his belief about whether something could
3 happen?

4 MR. BERGER: He was asked on direct about what knowledge
5 he had about a strike. This is directly responsive to this.

6 MR. LUNDGREN: My relevance -- I just want to make my
7 relevance objection one more time.

8 JUDGE WEDEKIND: Okay.

9 MR. LUNDGREN: Is -- there's -- there's two issues that
10 are in play from an evidentiary standpoint. Pre-emption and
11 warning letters. I don't know how the dispatcher's belief
12 about what could happen about a strike has any relevance to
13 either of those two issues.

14 JUDGE WEDEKIND: The -- the issue is -- was whether the
15 Union took -- the drivers took reasonable precautions.

16 MR. LUNDGREN: Right. Not the company.

17 JUDGE WEDEKIND: And one of the Union's arguments, as I
18 understand it from what I heard so far, is that it is re --
19 could be relevant, not only what the drivers did, but what the
20 company did; is that correct?

21 MR. BERGER: That is the argument. Correct.

22 JUDGE WEDEKIND: And so that's why it's relevant. It's
23 what kind of notice the company had that this was going to
24 occur. And that's what -- that's -- we've had these questions
25 throughout.

1 MR. LUNDGREN: I'm -- I'm -- I'm aware of that.

2 JUDGE WEDEKIND: Okay.

3 MR. LUNDGREN: But I -- I just want to make my relevancy
4 objection again.

5 JUDGE WEDEKIND: Sure, that's fine.

6 MR. LUNDGREN: Because I -- I want to -- I added the
7 speculation and foundation. I don't think what the -- the
8 dispatcher's belief about what could happen about a strike is
9 germane to whether the drivers took reasonable precautions that
10 day.

11 JUDGE WEDEKIND: I understand your position, and I don't
12 like -- if the -- if the word belief was used, I don't
13 particularly care for it. But I -- I -- can you ask the
14 question differently?

15 Q BY MR. BERGER: Did you happen to understand that --
16 whether any of the King County sand and gravel companies might
17 be struck by Local 174 following the expiration of the
18 Collective Bargaining Agreement between the Union and -- and
19 those companies?

20 A I was aware there was a possibility.

21 Q Okay. How did you come to that awareness?

22 A Through previous conversations about previous strikes, and
23 just how they've impacted a range of sand and gravel companies.

24 Q And who were those conversations with?

25 A It would have been with Brent Nordyke.

1 Q Okay. Do you recall when you had those conversations with
2 Brent Nordyke?

3 A Probably leading up to the bargaining.

4 Q Okay. Could you describe those conversations with Brent
5 to the best of your recollection?

6 A Yeah. I just recall that Brent said something that, like,
7 typically the Union will pick one company and strike them and
8 make an example of them, and they typically rotate on whose
9 turn it is.

10 Q Anything else about those conversations?

11 A That was the gist of it.

12 Q Okay. Did you have any conversations with Dave Siemering
13 about the possibility of the strike?

14 A I'm sure I did, but I don't recall.

15 Q Okay. Same question with respect to Melanie O'Regan.

16 A I'm sure -- I'm sure it came up.

17 Q Did you participate in any meetings with any dispatchers,
18 or supervisors regarding preparations for a strike?

19 A I -- the only thing I can recall was some discussion about
20 possibility getting gates. That's -- and that was for if they
21 were going to have drivers cross a line, non -- non-Union
22 drivers. But that's the only conversation, and I don't
23 remember if that was in a meeting, or where that took place,
24 but I do recollect that.

25 Q Okay. Do you understand that you don't know exactly when

1 or where the meeting occurred; do you remember approximately
2 how long before this -- the strike started, that conversation
3 took place?

4 A I -- I couldn't even tell you if it was before or -- or
5 during the strike, to be honest with you.

6 Q Do you remember anyone who was a part of those -- those
7 meetings?

8 A I don't. I'm sorry.

9 Q Did you receive instruction from anyone about what to tell
10 customers in the event customers called inquiring about a
11 possible strike prior to August 11th?

12 A I don't recall. I'm sure that an email went out. I'm
13 sure that we did, though. I -- I don't know.

14 Q Have you ever worked for any ready-mix companies, so
15 Glacier or any other ready-mix companies you worked for, during
16 the course of a strike, besides the one in August 2017?

17 A No, sir.

18 Q Are you involved in negotiating, when you worked at
19 Glacier, the Collective Bargaining Agreement between the
20 company and Local 174?

21 A No, sir.

22 Q Were you involved in enforcing the contract in any way?

23 A No, sir.

24 Q Are you familiar with the terms of the Collective
25 Bargaining Agreement?

1 A I used them as a reference guide, sir, when I would
2 perform my duties in dispatch.

3 Q Turning to the actual date of the start of the strike,
4 August 11th, do you have any -- are you aware of any text
5 messages that Union representatives sent to drivers to --
6 regarding the commencement of the strike?

7 A No, sir.

8 Q I want to show you -- I -- I -- we heard it, but -- I
9 could also just show you a -- a transcript that Respondent has
10 entered into evidence that reflects the -- the message that you
11 sent out.

12 MR. BERGER: May I approach?

13 JUDGE WEDEKIND: Sure.

14 MR. BERGER: Okay.

15 Q BY MR. BERGER: And if you'd take a look at the top of
16 page 5. I think that is transcribing the message we heard
17 earlier. And let me know when you're done reading.

18 A Yeah, so I've read lines 1 through 4.

19 Q Okay. And that accurately reflects what you said?

20 A It does.

21 Q Okay. I want to ask, on the second line, onto the third,
22 you said, "We're obligated to finish any job." Could you
23 explain what the source of the obligation is that you're
24 referencing, if you recall?

25 A That they were issued a delivery ticket for delivery.

1 Q Okay. So that -- this was the obligation that Glacier had
2 to its customers?

3 A I would say it's the obligation the driver had as an
4 employee.

5 Q Okay. I'm asking you, what is the basis for that
6 obligation; where does that come from?

7 MR. LUNDGREN: Objection. Asked and answered.

8 MR. BERGER: I don't think it's been answered.

9 JUDGE WEDEKIND: He said the ticket. That's one thing he
10 said.

11 Q BY MR. BERGER: Okay, the ticket is the source of the
12 obligation?

13 A Yes, sir.

14 Q I see. Okay. Thank you. All right, I want to ask some
15 questions about the August 19th mat pour, and the -- the steps
16 you took to prepare for the mat pour on August 18th. So after
17 you spoke to Melanie O'Regan, did you review the -- any
18 Collective Bargaining Agreements to determine whether the
19 drivers would be obligated to work the next day before
20 directing Dirck to make calls?

21 A I don't -- I don't recall.

22 Q Did you take any steps to ensure that drivers received at
23 least ten hours' notice of their start time?

24 A I wasn't obligated to give them 10 hours' notice of their
25 start time.

1 Q Well -- but my question is, did you take any steps?

2 A That wouldn't -- that wouldn't have been necessary, no,
3 sir.

4 Q So the answer is no, you did not take any steps?

5 A Correct.

6 Q Do you know if Dirck called all of the drivers on -- who
7 were employed by Glacier as of October 18th, 2017 -- or excuse
8 me, August 18th, 2017?

9 A I believe he called the bulk of the drivers.

10 Q Okay. When -- when you say bulk, what do you mean by
11 that?

12 A Well, a majority of them. The grand majority of them. I
13 believe Dave Hayes (phonetic throughout) might have also called
14 some drivers as well.

15 Q Are you familiar with the -- the message that your office
16 posted on the recorded line for drivers to call into for --
17 regarding the August 19th mat pour?

18 A I -- I've heard it. I don't recall exactly what it said.

19 Q Okay.

20 A Is that what you're asking?

21 Q Yes. You just don't know what was said?

22 A I don't -- I don't remember.

23 Q Okay.

24 MR. BERGER: Give me one moment. I -- I have no further
25 questions for this witness.

1 JUDGE WEDEKIND: Any redirect?

2 MR. LUNDGREN: No redirect, Your Honor.

3 JUDGE WEDEKIND: Just two questions. You talked about the
4 GPS and geofences.

5 THE WITNESS: Yeah.

6 JUDGE WEDEKIND: Is that monitored by anyone in real time,
7 or is it just something that goes into it?

8 THE WITNESS: Well, the dispatchers have a screen in front
9 of them that they -- they look at, to see what trucks are
10 returning to the yard so that way they know who's available to
11 dispatch next. And as a way of kind of monitoring the workflow
12 for the day.

13 JUDGE WEDEKIND: Okay. Are they looking at anything other
14 than return times?

15 THE WITNESS: Yeah. They're looking at the time spent
16 on -- on the job, time spent washing out. If a driver is
17 taking an extra-long time getting back to the yard, we want to
18 know why.

19 JUDGE WEDEKIND: So that's on there, too, on those
20 screens?

21 THE WITNESS: It would be on the counter, yes, sir.

22 JUDGE WEDEKIND: It would be on the --

23 THE WITNESS: On the counter. So in a way it -- it kind
24 of looks just like a -- like an Excel spreadsheet. There's a
25 truck number that's the size of a rectangle that moves from

1 station to station as its statuses.

2 JUDGE WEDEKIND: Okay.

3 THE WITNESS: Next to the truck number there's a counter,
4 and it shows you how long they've been in that status.

5 JUDGE WEDEKIND: And it's all electronic?

6 THE WITNESS: It's all electronic.

7 JUDGE WEDEKIND: Okay. And is that -- so that -- you also
8 talked about, again, the status monitoring that. So that's all
9 part of the same system, the GPS? Or not?

10 THE WITNESS: The GPS -- the traditional GPS, which would
11 be trucks on a map, which is how I interpret GPS to be, is
12 actually a part of a separate system.

13 JUDGE WEDEKIND: So it's monitoring a status --

14 THE WITNESS: They talk. There's an API that links them,
15 so they can talk to each other. So the GPS will tell the --
16 the -- the dispatch screen where the trucks are, and how long
17 they've been on that status. So they do -- they do talk to
18 each other, the two systems.

19 JUDGE WEDEKIND: That's good enough.

20 THE WITNESS: Okay.

21 MR. LUNDGREN: Thanks. I just wanted to clarify that.

22 Anything else?

23 MS. CHEREM: I -- I have a question that's -- or it's for
24 Respondent's counsel. So we can excuse the witness, and
25 then --

1 JUDGE WEDEKIND: Okay, great. Thank you very much.

2 Thanks for hanging out with us. I know you had to wait a
3 while.

4 THE WITNESS: Yeah. All right, thank you.

5 JUDGE WEDEKIND: Thank you.

6 Should we go off the record for a minute?

7 MR. LUNDGREN: Yeah.

8 Have a good one, Mr. Doyle.

9 THE WITNESS: Thank you.

10 JUDGE WEDEKIND: Off the record.

11 (Off the record at 4:43 p.m.)

12 JUDGE WEDEKIND: Okay, so we had some testimony about what
13 was relied on in creating the spreadsheets; is that what you're
14 talking about?

15 MS. CHEREM: Yes, Your Honor.

16 JUDGE WEDEKIND: And you were saying it would include the
17 GPS data, and that you've not received any GPS data in response
18 to the subpoena; is that right?

19 MS. CHEREM: Right, or anything else from their dispatch
20 system, which relatedly, based off of the testimony we just
21 had, also sounds like it's interrelated, and I believe was also
22 relied upon in creating all of these documents. I believe all
23 of that is covered by request 20 and 21 from the subpoena.

24 MR. LUNDGREN: Are we on the record?

25 JUDGE WEDEKIND: Yeah, we're on the record.



1 MR. LUNDGREN: When you say all these documents, could you
2 reference what you mean by all these documents?

3 MS. CHEREM: The -- the GPS in -- information that could
4 be printed out.

5 MR. LUNDGREN: No, you say it was used in creating all
6 these documents.

7 MS. CHEREM: Oh, sorry. I was relating to -- referring
8 to -- first off, the spreadsheet that's been labeled R-8 and R-
9 9. And then my understanding is that pages 103, 104, 105, from
10 Respondent's 9, were also based off of the dispatch system. I
11 don't know what your dispatch system's name is.

12 MR. LUNDGREN: And could you identify -- and I think you
13 did already for me off the record -- what subpoena request you
14 believe this is responsive to?

15 MS. CHEREM: I believe 20 and 21. They're on page 6.

16 MR. LUNDGREN: And with Your Honor's permission, I'm not
17 sure I can -- I have an answer for that at, you know, 5 to 5 on
18 Friday -- or on a trial date. I probably need to have some
19 time to review the requests and -- and determine what they're
20 talking about.

21 MS. CHEREM: We can reconvene early tomorrow morning. I
22 just wanted to raise it today.

23 JUDGE WEDEKIND: Okay. My notes and recollection is that
24 Mr. Nor -- Nordyke did speak to reviewing GPS information on
25 the dispatch software. So that sure makes it -- you've got a

1 valid question, but obviously he may need to look into it. Let
2 us know. I assume we're going to have Mr. Nordyke back on the
3 stand, and he can talk about that some more if you want.

4 MR. LUNDGREN: Yeah, let us -- let me have some time to
5 talk with my people, and we'll come back tomorrow with a
6 position, Your Honor, if that's okay. Unless if you want a
7 position today, I can try to do it, Your Honor. I just --
8 we're going to have to step out, and I'm going to have to ask
9 some questions because I'm not educated on this issue.

10 JUDGE WEDEKIND: I also -- I have a little bit of a
11 question in my mind about why we need so much specific
12 information about specific drivers, specific times, et cetera.
13 Can you -- can you tell us why we need all that information?

14 MS. CHEREM: I believe that it's relevant to the
15 reasonable precautions analysis. My understanding is that
16 Respondent is saying the drivers didn't take precautions, and
17 therefore, were disciplined for that. And I believe that the
18 specific evidence helps support our position that they did take
19 reasonable precautions.

20 JUDGE WEDEKIND: Okay. Now, and also, I understand, just
21 to clarify why I'm asking this question. I understand that
22 it's the company that's put in a lot of the specific
23 information. And you're obviously entitled to -- to look at
24 that and cross-examine about it, to determine if it's accurate.

25 MS. CHEREM: Right.

1 JUDGE WEDEKIND: And that's what you've been doing, it
2 seems to me. And you've pointed out there's some
3 inconsistencies and problems here and there. And it's -- you
4 know, but -- but my question is, so what? I mean, what --
5 what -- I mean, do we have to have absolutely accurate
6 information about each driver?

7 I mean, you disciplined -- you issued discipline letters
8 to all of them, right? For the -- for the strike?

9 MR. LUNDGREN: Right, the -- there were 16 letters issued
10 for the August 11th --

11 JUDGE WEDEKIND: Okay.

12 MR. LUNDGREN: -- and 10th, I believe.

13 JUDGE WEDEKIND: Oh, there were only 16? Okay.

14 MR. LUNDGREN: Right, and then -- and then they were
15 with -- some of them were withdrawn immediately in September.

16 JUDGE WEDEKIND: Okay.

17 MR. LUNDGREN: But the -- I mean, to go to your point,
18 Your Honor, the -- 20 and 21, the subpoena request, is
19 documents and communications, including witness statements
20 showing the investigation Respondent undertook prior to issuing
21 the August 11th disciplines. And as you saw, we have pretty
22 thorough, you know, packets of information, including even a
23 demonstrative, to kind of explain how it goes. I -- I -- I
24 thought that met it. I -- the idea of trying to -- to generate
25 GPS data from six years ago --

1 MS. CHEREM: I have not --

2 MR. LUNDGREN: -- I have no idea.

3 MS. CHEREM: -- it came to my attention today when Brent
4 was testifying that -- so request 21 is documents and
5 communications including but limited to photographs, dispatcher
6 reports and any internal investigations relied upon -- relied
7 on by Respondent in the decision to issue discipline to the
8 August 11th disciplined drivers.

9 MR. LUNDGREN: Sure. And it doesn't say electronic data.
10 It doesn't have any --

11 MS. CHEREM: There's a definition of documents at the
12 beginning of the subpoena.

13 MR. LUNDGREN: I mean, I'm just saying, I -- I need to --
14 to look at it. But --

15 MS. CHEREM: But --

16 MR. LUNDGREN: -- I -- I agree.

17 JUDGE WEDEKIND: Okay.

18 MR. LUNDGREN: I think you have the information the
19 warning letters were issued at. I can tell you the person who
20 issued the warning letters will say, I relied on this
21 spreadsheet that --

22 JUDGE WEDEKIND: Okay.

23 MR. LUNDGREN: -- Brent Nordyke's investigation, to issue
24 these warning letters. And I conducted no independent
25 investigation.

1 MS. CHEREM: And Your Honor -- oh.

2 JUDGE WEDEKIND: Just -- just -- all right. So just --
3 I'm sorry. So I -- I misspoke. Was it all the drivers for the
4 mat pour were issued it?

5 MR. LUNDGREN: No. There was 39 drivers for the mat pour.
6 Just the ones who didn't show up. There was 22 who showed up.

7 JUDGE WEDEKIND: Okay.

8 MR. LUNDGREN: And then it was 16 drivers originally for
9 the August 11th.

10 JUDGE WEDEKIND: Okay.

11 MR. LUNDGREN: But errors were corrected on seven of them
12 almost immediately. And then all these warning letters were --
13 the remainder --

14 JUDGE WEDEKIND: Okay.

15 MR. LUNDGREN: -- was rescinded in August 2020.

16 JUDGE WEDEKIND: So it is important to get into --

17 MS. CHEREM: Your Honor, if I may -- oh.

18 JUDGE WEDEKIND: -- specific drivers.

19 MS. CHEREM: Oh, I just wanted to --

20 JUDGE WEDEKIND: And apparently --

21 MS. CHEREM: I disagree with his framing of the
22 disciplines. But I do believe that -- I don't know that I will
23 put the GPS information into the record. I just believe that
24 it's covered by the subpoena. It goes to the inconsistencies
25 in the investigation, which I think have been made clear today,

1 as well as the inconsistencies in the decisions to discipline
2 certain drivers.

3 JUDGE WEDEKIND: And have we got inconsistencies in the
4 drivers that were disciplined?

5 MS. CHEREM: Yes.

6 JUDGE WEDEKIND: Okay.

7 MS. CHEREM: And -- and ones that weren't.

8 JUDGE WEDEKIND: Okay. Yeah. I understand. Okay. It
9 does go to the -- to the weight I should give to the exhibits,
10 everything, you know, et cetera. I understand.

11 All right, look into it, see what you can find, let us
12 know.

13 MR. LUNDGREN: All right.

14 JUDGE WEDEKIND: Okay?

15 MR. LUNDGREN: We'll look into it, Your Honor.

16 JUDGE WEDEKIND: Okay. All right, thank you.

17 Off the record.

18 **(Whereupon, the hearing in the above-entitled matter was**
19 **recessed at 4:55 p.m. until Thursday, March 2, 2023 at 9:00**
20 **a.m.)**

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C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 19, Case Number 19-CA-203068 and 19-CA-211776, Glacier Northwest d/b/a CalPortland and Teamsters Union Local 174, held at the National Labor Relations Board, Region 19, Jackson Federal Building, South Auditorium, 4th Floor, 915 Second Avenue, Seattle, WA 98174, on March 1, 2023, at 9:04 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.


AMANDA SELF

Official Reporter